

SENATE BILL No. 506

DIGEST OF INTRODUCED BILL

Citations Affected: IC 1-1-4-5; IC 1-2-2-1; IC 3-5-2-22; IC 3-8-1-21; IC 3-10; IC 3-11-2-12; IC 3-13; IC 4-3-22-17; IC 4-11-2-3; IC 4-24-4-2; IC 5; IC 6-1.1; IC 6-1.5-5-10; IC 6-9-0.5; IC 7.1-2-4-0.5; IC 7.1-3-9.5-2; IC 8; IC 10-16-2-9; IC 10-17; IC 10-18; IC 11-12; IC 12-20; IC 12-30; IC 13-11-2-74; IC 14; IC 15-12-5-6; IC 15-14; IC 15-16-7-4; IC 15-17-0.5; IC 16-23.5-2-0.5; IC 20; IC 21-15-6-5; IC 22-9-1-12.1; IC 23-10-2-19; IC 23-14; IC 24-6; IC 24-9-9-3; IC 25-28-1-0.5; IC 30-3-4-0.5; IC 32-26; IC 33; IC 34-17-2-1; IC 34-30-10; IC 34-35-5-4; IC 34-56-2-1; IC 36.

Synopsis: Local government matters. Provides that in counties other than Marion County: (1) the boards of county commissioners are eliminated effective January 1, 2013; (2) the county executive is a single elected chief executive officer; and (3) the county council is the county legislative body as well as the county fiscal body. Specifies that the term of each county commissioner elected in 2010 is two years rather than four years. Provides that the initial county chief executive officers are elected at the November 2012 general election. Specifies that after December 31, 2012, certain powers currently exercised by a county's board of commissioners shall be exercised by the county council. Requires the office of management and budget to establish an office of local technical assistance. Requires the office to: (1) promote sound fiscal, management, and operational practices in local government and assist units of local government in carrying out these practices; and (2) coordinate interaction between units of local government and state agencies. Requires the department of local government finance (DLGF) and the state board of accounts to consult with the office as the DLGF and the state board of accounts develop and adopt transition rules to assist units of local government that are
(Continued next page)

Effective: July 1, 2009.

Boots

January 15, 2009, read first time and referred to Committee on Local Government.



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consolidating entire units or specific functions. Deletes the requirement that a copy of an interlocal cooperation agreement must be filed with the state board of accounts (state board). Repeals the requirement that counties and municipalities must prepare and submit to the state board an operational report concerning roads and streets. Repeals the requirement that the county clerk must prepare a monthly report that is submitted to the county auditor, the county executive, and the state board. Repeals the requirement that the county treasurer must prepare a monthly report that is submitted to the county auditor, county board of finance, county executive, and state board. Provides that if a proposed local government reorganization is initiated under the government modernization statutes by the voters of a political subdivision, approval of the legislative bodies of the affected political subdivisions is not required before a proposed reorganization plan may be prepared by a reorganization committee and placed on the ballot for a vote. Specifies that the circuit court clerk of the county in which the most populous political subdivision named in a reorganization resolution or petition is located shall appoint to the reorganization committee three residents of each political subdivision participating in the reorganization.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

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SENATE BILL No. 506

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 1-1-4-5 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2009]: Sec. 5. The following definitions apply
3 to the construction of all Indiana statutes, unless the construction is
4 plainly repugnant to the intent of the general assembly or of the context
5 of the statute:
6 (1) "Adult", "of full age", and "person in his majority" mean a
7 person at least eighteen (18) years of age.
8 (2) "Attorney" includes a counselor or other person authorized to
9 appear and represent a party in an action or special proceeding.
10 (3) "Autism" means a neurological condition as described in the
11 most recent edition of the Diagnostic and Statistical Manual of
12 Mental Disorders of the American Psychiatric Association.
13 (4) "Bond" does not necessarily imply a seal.
14 (5) "Clerk" means the clerk of the court or a person authorized to
15 perform the clerk's duties.



(6) "County executive" has the meaning set forth in IC 36-1-2-5.

(7) "Health record", "hospital record", or "medical record" means written or printed information possessed by a provider (as defined in IC 16-18-2-295) concerning any diagnosis, treatment, or prognosis of the patient, unless otherwise defined. Except as otherwise provided, the terms include mental health records and drug and alcohol abuse records.

(8) "Highway" includes county bridges and state and county roads, unless otherwise expressly provided.

(9) "Infant" or "minor" means a person less than eighteen (18) years of age.

(10) "Inhabitant" may be construed to mean a resident in any place.

(11) "Judgment" means all final orders, decrees, and determinations in an action and all orders upon which executions may issue.

(12) "Land", "real estate", and "real property" include lands, tenements, and hereditaments.

(13) "Mentally incompetent" means of unsound mind.

(14) "Money demands on contract", when used in reference to an action, means an action arising out of contract when the relief demanded is a recovery of money.

(15) "Month" means a calendar month, unless otherwise expressed.

(16) "Noncode statute" means a statute that is not codified as part of the Indiana Code.

(17) "Oath" includes "affirmation", and "to swear" includes to affirm.

(18) "Person" extends to bodies politic and corporate.

(19) "Personal property" includes goods, chattels, evidences of debt, and things in action.

(20) "Population" has the meaning set forth in IC 1-1-3.5-3.

(21) "Preceding" and "following", referring to sections in statutes, mean the sections next preceding or next following that in which the words occur, unless some other section is designated.

(22) "Property" includes personal and real property.

(23) "Sheriff" means the sheriff of the county or another person authorized to perform the sheriff's duties.

(24) "State", applied to any one of the United States, includes the District of Columbia and the commonwealths, possessions, states in free association with the United States, and the

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territories. "United States" includes the District of Columbia and the commonwealths, possessions, states in free association with the United States, and the territories.

~~(24)~~ (25) "Under legal disabilities" includes persons less than eighteen (18) years of age, mentally incompetent, or out of the United States.

~~(25)~~ (26) "Verified", when applied to pleadings, means supported by oath or affirmation in writing.

~~(26)~~ (27) "Will" includes a testament and codicil.

~~(27)~~ (28) "Without relief" in any judgment, contract, execution, or other instrument of writing or record, means without the benefit of valuation laws.

~~(28)~~ (29) "Written" and "in writing" include printing, lithographing, or other mode of representing words and letters. If the written signature of a person is required, the terms mean the proper handwriting of the person or the person's mark.

~~(29)~~ (30) "Year" means a calendar year, unless otherwise expressed.

~~(30)~~ (31) The definitions in IC 35-41-1 apply to all statutes relating to penal offenses.

SECTION 2. IC 1-2-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. A state flag is hereby adopted, and the same shall be of the following design and dimensions, to-wit: Its dimensions shall be three (3) feet fly by two (2) feet hoist; or five (5) feet fly by three (3) feet hoist; or any size proportionate to either of those dimensions. The field of the flag shall be blue with nineteen (19) stars and a flaming torch in gold or buff. Thirteen (13) stars shall be arranged in an outer circle, representing the original thirteen (13) states; five (5) stars shall be arranged in a half circle below the torch and inside the outer circle of stars, representing the states admitted prior to Indiana; and the nineteenth star, appreciably larger than the others and representing Indiana shall be placed above the flame of the torch. The outer circle of stars shall be so arranged that one (1) star shall appear directly in the middle at the top of the circle, and the word "Indiana" shall be placed in a half circle over and above the star representing Indiana and midway between it and the star in the center above it. Rays shall be shown radiating from the torch to the three (3) stars on each side of the star in the upper center of the circle.

Township trustees, boards of school trustees and boards of school commissioners of the various school corporations of this state, and board of county commissioners **(before January 1, 2013) or county executive (after December 31, 2012)** of the several counties of the

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state may procure a state flag for each school and for each courthouse under their respective supervision and cause the same to be placed conspicuously in the principal room or assembly hall and any courtroom of any such building or courthouse.

SECTION 3. IC 3-5-2-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 22. "Executive" means:

- (1) **the board of county commissioners (before January 1, 2013) or (after December 31, 2012) county chief executive officer elected under IC 3-10-2-13** for a county not having a consolidated city;
- (2) **the** mayor of the consolidated city, for a county having a consolidated city;
- (3) **the** mayor, for a city;
- (4) **the** president of the town council, for a town; or
- (5) **a** trustee, for a township.

SECTION 4. IC 3-8-1-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 21. **(a) This subsection applies to elections before 2012.** A candidate for the office of county commissioner must:

- (1) have resided in the county for at least one (1) year before the election, as provided in Article 6, Section 4 of the Constitution of the State of Indiana; and
- (2) have resided in the district in which seeking election, if applicable, for at least six (6) months before the election.

(b) This subsection applies to elections after 2010. A candidate for the office of county chief executive officer must have resided in the county for at least one (1) year before the election, as provided in Article 6, Section 4 of the Constitution of the State of Indiana.

SECTION 5. IC 3-10-1-19, AS AMENDED BY P.L.146-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 19. (a) The ballot for a primary election shall be printed in substantially the following form for all the offices for which candidates have qualified under IC 3-8:

OFFICIAL PRIMARY BALLOT

_____ Party

For paper ballots, print: To vote for a person, make a voting mark (X or ✓) on or in the box before the person's name in the proper column. For optical scan ballots, print: To vote for a person, darken or shade in the circle, oval, or square (or draw a line to connect the arrow) that precedes the person's name in the proper column. For optical scan ballots that do not contain a candidate's name, print: To vote for a person, darken or shade in the oval that precedes the number assigned

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to the person's name in the proper column. For electronic voting systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

Vote for one (1) only

Representative in Congress

☐ (1) AB _____

☐ (2) CD _____

☐ (3) EF _____

☐ (4) GH _____

(b) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

(1) Federal and state offices:

(A) President of the United States.

(B) United States Senator.

(C) Governor.

(D) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.

(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.

(C) Judge of the probate court.

(D) Judge of the county court, with each division separate, as required by IC 33-30-3-3.

(E) Prosecuting attorney.

(F) Circuit court clerk.

(4) County offices:

(A) County auditor.

(B) County recorder.

(C) County treasurer.

(D) County sheriff.

(E) County coroner.

(F) County surveyor.

(G) County assessor.

(H) County commissioner **(for elections before 2012).**

(I) County chief executive officer (as provided in IC 36-2-2.5 for elections in 2012 and thereafter).

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- 1 Ⓢ (J) County council member.
- 2 (5) Township offices:
- 3 (A) Township assessor (only in a township referred to in
- 4 IC 36-6-5-1(d)).
- 5 (B) Township trustee.
- 6 (C) Township board member.
- 7 (D) Judge of the small claims court.
- 8 (E) Constable of the small claims court.
- 9 (6) City offices:
- 10 (A) Mayor.
- 11 (B) Clerk or clerk-treasurer.
- 12 (C) Judge of the city court.
- 13 (D) City-county council member or common council member.
- 14 (7) Town offices:
- 15 (A) Clerk-treasurer.
- 16 (B) Judge of the town court.
- 17 (C) Town council member.
- 18 (c) The political party offices with candidates for election shall be
- 19 placed on the primary election ballot in the following order after the
- 20 offices described in subsection (b):
- 21 (1) Precinct committeeman.
- 22 (2) State convention delegate.
- 23 (d) The following offices and public questions shall be placed on the
- 24 primary election ballot in the following order after the offices described
- 25 in subsection (c):
- 26 (1) School board offices to be elected at the primary election.
- 27 (2) Other local offices to be elected at the primary election.
- 28 (3) Local public questions.
- 29 (e) The offices and public questions described in subsection (d)
- 30 shall be placed:
- 31 (1) in a separate column on the ballot if voting is by paper ballot;
- 32 (2) after the offices described in subsection (c) in the form
- 33 specified in IC 3-11-13-11 if voting is by ballot card; or
- 34 (3) either:
- 35 (A) on a separate screen for each office or public question; or
- 36 (B) after the offices described in subsection (c) in the form
- 37 specified in IC 3-11-14-3.5;
- 38 if voting is by an electronic voting system.
- 39 (f) A public question shall be placed on the primary election ballot
- 40 in the following form:
- 41 (The explanatory text for the public question,
- 42 if required by law.)

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"Shall (insert public question)?"

☐ YES

☐ NO

SECTION 6. IC 3-10-2-13, AS AMENDED BY P.L.146-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. The following public officials shall be elected at the general election before their terms of office expire and every four (4) years thereafter:

- (1) Clerk of the circuit court.
- (2) County auditor.
- (3) County recorder.
- (4) County treasurer.
- (5) County sheriff.
- (6) County coroner.
- (7) County surveyor.
- (8) County assessor.
- (9) County commissioner (for elections before 2012).
- (10) County chief executive officer (as provided in IC 36-2-2.5 for elections in 2012 and thereafter).**
- ~~(10)~~ **(11)** County council member.
- ~~(11)~~ **(12)** Township trustee.
- ~~(12)~~ **(13)** Township board member.
- ~~(13)~~ **(14)** Township assessor (only in a township referred to in IC 36-6-5-1(d)).
- ~~(14)~~ **(15)** Judge of a small claims court.
- ~~(15)~~ **(16)** Constable of a small claims court.

SECTION 7. IC 3-11-2-12, AS AMENDED BY P.L.146-2008, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. The following offices shall be placed on the general election ballot in the following order:

- (1) Federal and state offices:
 - (A) President and Vice President of the United States.
 - (B) United States Senator.
 - (C) Governor and lieutenant governor.
 - (D) Secretary of state.
 - (E) Auditor of state.
 - (F) Treasurer of state.
 - (G) Attorney general.
 - (H) Superintendent of public instruction.
 - (I) United States Representative.
- (2) Legislative offices:
 - (A) State senator.

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- (B) State representative.
- (3) Circuit offices and county judicial offices:
- (A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.
- (B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.
- (C) Judge of the probate court.
- (D) Judge of the county court, with each division separate, as required by IC 33-30-3-3.
- (E) Prosecuting attorney.
- (F) Clerk of the circuit court.
- (4) County offices:
- (A) County auditor.
- (B) County recorder.
- (C) County treasurer.
- (D) County sheriff.
- (E) County coroner.
- (F) County surveyor.
- (G) County assessor.
- (H) County commissioner **(for elections before 2012).**
- (I) County chief executive officer (as provided in IC 36-2-2.5 for elections in 2012 and thereafter).**
- ~~(J)~~ **(J) County council member.**
- (5) Township offices:
- (A) Township assessor (only in a township referred to in IC 36-6-5-1(d)).
- (B) Township trustee.
- (C) Township board member.
- (D) Judge of the small claims court.
- (E) Constable of the small claims court.
- (6) City offices:
- (A) Mayor.
- (B) Clerk or clerk-treasurer.
- (C) Judge of the city court.
- (D) City-county council member or common council member.
- (7) Town offices:
- (A) Clerk-treasurer.
- (B) Judge of the town court.
- (C) Town council member.

SECTION 8. IC 3-13-7-2, AS AMENDED BY P.L.119-2005,

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SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) This section applies to a vacancy in a county elected office (other than county council) not covered by section 1 of this chapter.

(b) A vacancy shall be filled by the board of commissioners of the county at a regular or special meeting **(for vacancies before January 1, 2013) or by the county executive (for vacancies after December 31, 2012) at a public hearing.** The county auditor shall give notice of the meeting **or hearing.** Except as provided in subsection (d), the meeting **or hearing** shall be held not later than thirty (30) days after the vacancy occurs. The notice must:

- (1) be in writing;
- (2) state the purpose of the meeting **or hearing;**
- (3) state the date, time, and place of the meeting **or hearing;** and
- (4) **in the case of vacancies to be filled before January 1, 2013,** be sent by first class mail to each commissioner at least ten (10) days before the meeting.

(c) Selections made under this section (or under IC 3-2-10-3(a) before its repeal on March 4, 1986) are appointments pro tempore for the purposes of Article 2, Section 11 of the Constitution of the State of Indiana.

(d) If a vacancy occurs because of the death of an elected county officer, the:

(1) board of commissioners **(before January 1, 2013)** shall meet and select an individual to fill the vacancy; **or**

(2) **county executive (after December 31, 2012) shall at a public hearing select an individual to fill the vacancy;**

not later than thirty (30) days after the county auditor receives notice of the death under IC 5-8-6. The county auditor may not give the notice required under subsection (b) until the county auditor receives notice of the death under IC 5-8-6.

SECTION 9. IC 3-13-10-2, AS AMENDED BY P.L.119-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) A vacancy in the office of township trustee:

- (1) not covered by section 1 of this chapter; or
- (2) covered by section 1 of this chapter, but that exists after the thirtieth day after:

(A) the vacancy occurs, if IC 5-8-6 does not apply; or

(B) the county auditor receives the notice required under IC 5-8-6;

shall be filled by the board of commissioners of the county at a regular or special meeting **(for vacancies before January 1, 2013) or by the**

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1 **county executive at a public hearing (for vacancies after December**
 2 **31, 2012).**

3 (b) The county auditor shall give notice of the meeting **or hearing.**

4 (c) Except as provided in subsections (e) and (f), the meeting **or**
 5 **hearing** shall be held not later than:

6 (1) thirty (30) days after the vacancy occurs, if the vacancy is not
 7 covered by section 1 of this chapter; or

8 (2) ~~not later than~~ sixty (60) days after the vacancy occurs, if the
 9 vacancy is covered by section 1 of this chapter and exists for more
 10 than thirty (30) days.

11 (d) The notice must:

12 (1) be in writing;

13 (2) state the purpose of the meeting **or hearing;**

14 (3) state the date, time, and place of the meeting **or hearing;** and

15 (4) **in the case of vacancies to be filled before January 1, 2013,**
 16 be sent by first class mail to each commissioner at least ten (10)
 17 days before the meeting.

18 (e) If the vacancy:

19 (1) is not covered by section 1 of this chapter; and

20 (2) exists because of the death of the township trustee;

21 the meeting **or hearing** required by subsection (c) shall be held not
 22 later than thirty (30) days after the county auditor receives notice of the
 23 death under IC 5-8-6. The county auditor may not give the notice
 24 required by subsection (b) until the county auditor receives notice of
 25 the death under IC 5-8-6.

26 (f) If the vacancy:

27 (1) is covered by section 1 of this chapter;

28 (2) exists because of the death of the township trustee; and

29 (3) exists for more than thirty (30) days;

30 the meeting **or hearing** required under subsection (c) shall be held not
 31 later than sixty (60) days after the county auditor receives notice of the
 32 death under IC 5-8-6. The county auditor may not give the notice
 33 required by subsection (b) until the county auditor receives notice of
 34 the death under IC 5-8-6.

35 SECTION 10. IC 3-13-10-4, AS AMENDED BY P.L.119-2005,
 36 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2009]: Sec. 4. (a) A vacancy on the township board of a
 38 township:

39 (1) not covered by section 1 of this chapter; or

40 (2) covered by section 1 of this chapter, but that exists after the
 41 thirtieth day after:

42 (A) the vacancy occurs, if IC 5-8-6 does not apply; or

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(B) the county auditor receives the notice required under IC 5-8-6; shall be filled by the board of commissioners of the county at a regular or special meeting **(for vacancies before January 1, 2013) or by the county executive at a public hearing (for vacancies after December 31, 2012).**

(b) The county auditor shall give notice of the meeting **or hearing.**

(c) Except as provided in subsections (e) and (f), the meeting **or hearing** shall be held:

(1) not later than thirty (30) days after the vacancy occurs, if the vacancy is not covered by section 1 of this chapter; or

(2) not later than sixty (60) days after the vacancy occurs, if the vacancy is covered by section 1 of this chapter and exists for more than thirty (30) days.

(d) The notice must:

(1) be in writing;

(2) state the purpose of the meeting **or hearing;**

(3) state the date, time, and place of the meeting **or hearing;** and

(4) **in the case of vacancies to be filled before January 1, 2013,** be sent by first class mail to each commissioner at least ten (10) days before the meeting.

(e) If a vacancy:

(1) is not covered by section 1 of this chapter; and

(2) exists because of the death of a township board member;

the meeting **or hearing** required by subsection (c) shall be held not later than thirty (30) days after the county auditor receives notice of the death under IC 5-8-6. The county auditor may not give the notice required under subsection (b) until the county auditor receives notice of the death under IC 5-8-6.

(f) If a vacancy:

(1) is covered by section 1 of this chapter;

(2) exists because of the death of a township board member; and

(3) exists for more than thirty (30) days;

the meeting **or hearing** required by subsection (c) shall be held not later than sixty (60) days after the county auditor receives notice of the death under IC 5-8-6. The county auditor may not give the notice required by subsection (b) until the county auditor receives notice of the death under IC 5-8-6.

SECTION 11. IC 3-13-11-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. (a) This section does not apply to the office of a judge.

(b) In accordance with section 12 of this chapter, if a chief deputy

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employee does not exist in a circuit or county office, or the chief deputy employee declines or is ineligible to serve, the board of county commissioners **(before January 1, 2013) or county executive (after December 31, 2012)** shall appoint, as soon as is reasonably possible, a person to assume the duties of the office until the office is filled under this chapter.

(c) If a circuit contains more than one (1) county, the boards of county commissioners **(before January 1, 2013) or county executives (after December 31, 2012)** of the counties shall meet in joint session at the county seat of the county that contains the greatest percentage of population of the circuit to appoint an individual under this section.

SECTION 12. IC 4-3-22-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 17. (a) The office of local technical assistance is established as a division within the OMB. The director shall appoint, subject to the approval of the governor, a director of the office, who serves at the pleasure of the director of the OMB.**

(b) The office of local technical assistance shall do the following:

(1) Promote sound fiscal, management, and operational practices in local government and assist units of local government in carrying out these practices.

(2) Coordinate interaction between units of local government and state agencies.

(c) The department of local government finance and the state board of accounts shall consult with the office of local technical assistance as the department of local government finance and the state board of accounts develop and adopt transition rules to assist units of local government that are consolidating entire units or specific functions.

SECTION 13. IC 4-11-2-3, AS ADDED BY P.L.2-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 3. If:**

(1) a person has purchased and been granted a deed of conveyance to any lands sold for delinquent taxes by the county treasurer of any county;

(2) at the time when the lands were sold, there was an unpaid school fund loan, secured by mortgage, on the lands, and the mortgage was foreclosed by the county after the sale; and

(3) through the foreclosure proceedings, the county acquired title to the lands;

the board of commissioners (before January 1, 2013) or county executive (after December 31, 2012) of the county in which the lands

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are situated may pay to the person who holds the tax deed to the lands any sum that may be agreed upon, not exceeding the amount that the purchaser paid for the lands at the tax sale, together with an amount equal to any taxes that the purchaser of the lands paid, not including any interest, on the condition that the holder of the tax deed to the lands execute to the board of commissioners **(before January 1, 2013) or county executive (after December 31, 2012)** of the county a quitclaim deed to the lands. All expenditures authorized under this section shall be paid out of the county general fund without any appropriation being made for the expenditure.

SECTION 14. IC 4-24-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. Such institution shall requisition and be reimbursed for such payment by the county from which such inmate was committed, by the filing of a claim in such county with the auditor thereof and said claim shall be allowed by the board of county commissioners ~~thereof~~ **(before January 1, 2013) or county executive (after December 31, 2012) of the county** in the same manner as other claims are allowed and paid.

SECTION 15. IC 5-1-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) Within sixty (60) days from the filing of the certified copy of the resolution in accordance with section 4 of this chapter, the board of commissioners **(before January 1, 2013) or executive (after December 31, 2012)** of the county or the executive of the city or town shall appoint five (5) residents of the county, city, or town, as the case may be, as directors of the authority.

(b) Each appointment shall be evidenced by a written certificate of appointment signed by the appointing authority who shall cause a written notice to be sent to each appointee. One (1) director shall be appointed for a term of one (1) year, one (1) director for a term of two (2) years, one (1) director for a term of three (3) years, and two (2) directors for a term of four (4) years. At the expiration of the respective terms of the directors, the appointing authority shall appoint successors for four (4) year terms.

(c) Each director shall serve as such until the director's successor is appointed and qualified. In the event that any director shall die, resign, cease to be a resident of the county, city, or town, as the case may be, or be removed, the appointing authority shall appoint another person as director for the remainder of such term. If any person appointed as a director shall fail to qualify within ten (10) days after the mailing to the appointee of notice of the appointment, the appointing authority shall appoint another person as director for the term.

SECTION 16. IC 5-1-4-8 IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2009]: Sec. 8. The directors originally appointed shall meet within thirty (30) days after their appointment, at a time and place designated by the board of county commissioners **(before January 1, 2013) or county executive (after December 31, 2012)** for the purpose of organization. The directors shall elect the following officers from among their members: president, vice president, secretary, and treasurer, who shall perform the duties usually pertaining to those offices. Such officers shall serve until the expiration of the first term to expire and the directors shall meet annually to reorganize within thirty (30) days after the appointment of each successor director for a full term. The directors are authorized to adopt such bylaws, rules and regulations as they may deem necessary to the proper conduct of their proceedings, the carrying out of their duties, and the safeguarding of the funds and property of the authority. In addition to such meetings as above provided, other regular and special meetings shall be held at such times as they may determine and upon such notice as they may fix, either by resolution or in accordance with the provisions of the bylaws, rules, and regulations adopted. A majority of the directors shall constitute a quorum and the concurrence of a majority shall be necessary to authorize any action. Directors shall serve without pay but shall be entitled to reimbursement for any expenses necessarily incurred in the performance of their duties.

SECTION 17. IC 5-1-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. Whenever the bond fund of any county or of any township in this state is, for any reason, insufficient to pay the bonds of such county or township or any of them, at the date of the maturity thereof, together with the interest which shall have accrued thereon, the board of commissioners **(before January 1, 2013) or executive (after December 31, 2012)** of such county is hereby authorized to represent and as representing the taxing district liable for the payment of any such bond to enter into a contract with the owner of any such bond to pay such matured bond by the issuance of a redemption bond, in the same amount and at any rate of interest and to pay such redemption bond and the accrued interest thereon, in not more than ten (10) annual installments, in the manner and subject to the conditions prescribed in this chapter.

SECTION 18. IC 5-1-7-2, AS AMENDED BY P.L.2-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. The contract entered into by the board of commissioners **(before January 1, 2013) or executive (after December 31, 2012)** of any county and any such bondholder shall be signed by the parties to such contract, shall be attested on behalf of the

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1 county by the county auditor, and shall stipulate and agree that the
 2 board of commissioners **(before January 1, 2013) or executive (after**
 3 **December 31, 2012)** of the county will pay all interest on such matured
 4 bond to the date of the maturity thereof, and that a new bond (referred
 5 to in this chapter as a redemption bond) in the same amount as the
 6 matured bond, will be issued to pay and retire such matured bond, and
 7 that such redemption bond will be and continue to be a valid and
 8 binding obligation of the county and that during the period fixed in the
 9 contract not exceeding ten (10) years the board of commissioners
 10 **(before January 1, 2013) or county executive (after December 31,**
 11 **2012)** will pay annually to the owner of such redemption bond,
 12 one-tenth (1/10) of the principal amount of such redemption bond and,
 13 in addition thereto, will pay semiannually all interest which shall have
 14 accrued thereon to the date when such payment is to be made. The date
 15 on which such partial payments of the principal of such bond will be
 16 made shall be fixed and prescribed in such contract and may be on June
 17 1 or December 1 of the year next succeeding the year in which such
 18 contract is executed and signed and June 1 or December 1 of each and
 19 every year thereafter until paid. The interest accrued on such bond shall
 20 be paid semiannually on June 1 and December 1, beginning on the
 21 same date as the first partial payment on such bond. The board of
 22 commissioners **(before January 1, 2013) or county council (after**
 23 **December 31, 2012)** shall further agree to levy a tax on the taxable
 24 property of such county in an amount sufficient to make the payments
 25 on such redemption bonds as they fall due, together with all interest
 26 which shall have accrued thereon. Any bondholder who elects to avail
 27 himself or herself of the provisions of this chapter shall agree that in
 28 consideration of the privilege hereby afforded the bondholder will not
 29 maintain or attempt to maintain a suit for the collection or the
 30 enforcement of the lien of any such bond, other than in accordance with
 31 the remedies afforded by the provisions of this chapter. The form of the
 32 contract herein contemplated shall be prescribed by the state board of
 33 accounts with the approval of the attorney general. At the time when
 34 the contract is executed and the redemption bond is issued, the matured
 35 bond shall be surrendered to the county auditor and shall be canceled
 36 by writing across the face of the matured bond the words "Canceled by
 37 issuing to _____ a redemption bond in the same principal sum as this
 38 bond, due and payable on the _____ day of _____, 20____."

39 SECTION 19. IC 5-1-16-1.5 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1.5. (a) For purposes
 41 of this chapter, county commissioner **(before January 1, 2013) or**
 42 **county executive (after December 31, 2012)** action or approval for

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the appropriation and expenditure of county tax money shall presuppose and include approval by the county council.

(b) A lease entered into by the board of county commissioners **(before January 1, 2013) or county executive (after December 31, 2012)** with the authority is valid or binding upon the county only if the lease is approved by a majority vote of the county council.

SECTION 20. IC 5-1-16-42, AS AMENDED BY P.L.146-2008, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 42. (a) When the authority, the board of trustees or board of managers of the hospital, the board of commissioners **(before January 1, 2013) or executive (after December 31, 2012)** of the county, and a majority of the county council have agreed upon the terms and conditions of any lease proposed to be entered into under section 38 or 39 of this chapter, and before the final execution of the lease, the county auditor shall give notice by publication of a public hearing to be held in the county by the board of commissioners **(before January 1, 2013) or county executive (after December 31, 2012)**. The hearing shall take place on a day not earlier than ten (10) days after the publication of the notice. The notice of the hearing shall be published one (1) time in a newspaper of general circulation printed in the English language and published in the county. The notice shall do the following:

- (1) Name the day, place, and hour of the hearing.
- (2) Set forth a brief summary of the principal terms of the lease agreed upon, including the character and location of the property to be leased, the lease rental to be paid, and the number of years the contract is to be in effect.
- (3) State a location where the proposed lease, drawings, plans, specifications, and estimates may be examined.

The proposed lease and the drawings, plans, specifications, and estimates of construction cost for the building shall be open to inspection by the public during the ten (10) day period and at the hearing. All interested persons shall have a right to be heard at the hearing on the necessity for the execution of the lease and whether the lease rental under the lease is fair and reasonable. The hearing may be adjourned to a later date with the place of the hearing fixed prior to adjournment. Following the hearing, the board of commissioners **(before January 1, 2013) or county executive (after December 31, 2012)** may either authorize the execution of the lease as originally agreed upon or may make modifications that are agreed upon by the authority, the board of trustees or board of managers of the hospital, and the county council. The authorization shall be by an order that is

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1 entered in the official records of the board of commissioners **(before**
 2 **January 1, 2013) or county executive (after December 31, 2012).**
 3 The lease contract shall be executed on behalf of the county by the
 4 board of commissioners **(before January 1, 2013) or county**
 5 **executive (after December 31, 2012).**

6 (b) If the execution of the lease as originally agreed upon or as
 7 modified by agreement is authorized, notice of the signing of the lease
 8 shall be given on behalf of the county by publication one (1) time in a
 9 newspaper of general circulation printed in the English language and
 10 published in the county. Except as provided in subsection (d), ten (10)
 11 or more taxpayers in the county whose tax rate will be affected by the
 12 proposed lease and who may be of the opinion that no necessity exists
 13 for the execution of the lease or that the lease rental under the lease is
 14 not fair and reasonable may file a petition in the office of the county
 15 auditor within thirty (30) days after publication of notice of the
 16 execution of the lease that sets forth the taxpayers' objections and facts
 17 supporting those objections. Upon the filing of a petition, the county
 18 auditor shall immediately certify a copy of the petition together with
 19 such other data as may be necessary in order to present the questions
 20 involved to the department of local government finance. Upon receipt
 21 of the certified petition and information, the department of local
 22 government finance shall fix a time and place in the affected county for
 23 the hearing of the matter that is not less than five (5) or more than
 24 fifteen (15) days after receipt. Notice of the hearing shall be given by
 25 the department of local government finance to the board of county
 26 commissioners **(before January 1, 2013) or county executive (after**
 27 **December 31, 2012)** and to the first ten (10) taxpayer petitioners upon
 28 the petition by certified mail sent to the addresses listed on the petition
 29 at least five (5) days before the date of the hearing.

30 (c) No action to contest the validity of the lease or to enjoin the
 31 performance of any of the terms and conditions of the lease shall be
 32 instituted at any time later than thirty (30) days after publication of
 33 notice of the execution of the lease, or if an appeal has been taken to
 34 the department of local government finance, then within thirty (30)
 35 days after the decision of the department.

36 (d) The authority for taxpayers to object to a proposed lease under
 37 subsection (b) does not apply if the authority complies with the
 38 procedures for the issuance of bonds and other evidences of
 39 indebtedness described in IC 6-1.1-20.

40 SECTION 21. IC 5-1-16-44, AS AMENDED BY P.L.1-2006,
 41 SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2009]: Sec. 44. On behalf of the authority, the board of

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1 directors or board of managers of the hospital shall, prior to the
 2 execution of a contract of lease, submit to and receive the approval of
 3 the board of commissioners **(before January 1, 2013) or executive**
 4 **(after December 31, 2012)** of the county of the plans, specifications,
 5 and estimates of cost for the building or renovation. The plans and
 6 specifications shall be submitted to and approved by the state board of
 7 health, the division of fire and building safety, and other state agencies
 8 that are required by law to pass on plans and specifications for public
 9 buildings.

10 SECTION 22. IC 5-1-16-45, AS AMENDED BY P.L.113-2006,
 11 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2009]: Sec. 45. (a) A county desiring to have a building
 13 erected or renovated on land owned or to be acquired by the county
 14 may sell that land or building to the authority. Before the sale may take
 15 place, the county commissioners **(before January 1, 2013) or county**
 16 **executive (after December 31, 2012)** shall file a petition with the
 17 circuit court of the county requesting the appointment of:

18 (1) one (1) disinterested freeholder of the county as an appraiser;
 19 and

20 (2) two (2) disinterested appraisers licensed under IC 25-34.1;
 21 who are residents of Indiana to determine the fair market value of the
 22 land or building. One (1) of the appraisers described under subdivision
 23 (2) must reside not more than fifty (50) miles from the land or building.
 24 Upon appointment, the appraisers shall fix the fair market value of the
 25 land or building and shall report that value within two (2) weeks from
 26 the date of their appointment. The county may then sell the land or
 27 building to the authority for an amount not less than the amount fixed
 28 by the appraisers as the fair market value. The amount shall be paid in
 29 cash upon delivery of the deed by the county to the authority. If a
 30 cumulative building fund exists at the time of the sale, the proceeds
 31 from the sale shall be placed in that fund. If a cumulative building fund
 32 does not exist at the time of the sale, the proceeds from the sale shall
 33 be paid into the county hospital fund with the principal and interest on
 34 the fund to be used solely by the county hospital for the purposes set
 35 forth in IC 16-22-5-3 (or IC 16-12.1-4-4 before its repeal on July 1,
 36 1993). A sale of land or a building by a county to the authority shall be
 37 authorized by the board of commissioners **(before January 1, 2013)**
 38 **or county executive (after December 31, 2012)** by an order that shall
 39 be entered in the official records of the board **or county executive**. The
 40 deed shall be executed on behalf of the county by the board of county
 41 commissioners **(before January 1, 2013) or county executive (after**
 42 **December 31, 2012).**

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(b) A contract entered into under this chapter for a public work (as defined in IC 5-16-7-4) is subject to IC 5-16-7.

SECTION 23. IC 5-3-1-3, AS AMENDED BY P.L.1-2005, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) Within sixty (60) days after the expiration of each calendar year, the fiscal officer of each civil city and town in Indiana shall publish an annual report of the receipts and expenditures of the city or town during the preceding calendar year.

(b) Not earlier than August 1 or later than August 15 of each year, the secretary of each school corporation in Indiana shall publish an annual financial report.

(c) In the annual financial report the school corporation shall include the following:

(1) Actual receipts and expenditures by major accounts as compared to the budget advertised under IC 6-1.1-17-3 for the prior calendar year.

(2) The salary schedule for all certificated employees (as defined in IC 20-29-2-4) as of June 30, with the number of employees at each salary increment. However, the listing of salaries of individual teachers is not required.

(3) The extracurricular salary schedule as of June 30.

(4) The range of rates of pay for all noncertificated employees by specific classification.

(5) The number of employees who are full-time certificated, part-time certificated, full-time noncertificated, and part-time noncertificated.

(6) The lowest, highest, and average salary for the administrative staff and the number of administrators without a listing of the names of particular administrators.

(7) The number of students enrolled at each grade level and the total enrollment.

(8) The assessed valuation of the school corporation for the prior and current calendar year.

(9) The tax rate for each fund for the prior and current calendar year.

(10) In the general fund, capital projects fund, and transportation fund, a report of the total payment made to each vendor for the specific fund in excess of two thousand five hundred dollars (\$2,500) during the prior calendar year. However, a school corporation is not required to include more than two hundred (200) vendors whose total payment to each vendor was in excess of two thousand five hundred dollars (\$2,500). A school

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corporation shall list the vendors in descending order from the vendor with the highest total payment to the vendor with the lowest total payment above the minimum listed in this subdivision.

(11) A statement providing that the contracts, vouchers, and bills for all payments made by the school corporation are in its possession and open to public inspection.

(12) The total indebtedness as of the end of the prior calendar year showing the total amount of notes, bonds, certificates, claims due, total amount due from such corporation for public improvement assessments or intersections of streets, and any and all other evidences of indebtedness outstanding and unpaid at the close of the prior calendar year.

(d) The school corporation may provide an interpretation or explanation of the information included in the financial report.

(e) The department of education shall do the following:

(1) Develop guidelines for the preparation and form of the financial report.

(2) Provide information to assist school corporations in the preparation of the financial report.

(f) The annual reports required by this section, ~~and IC 36-2-2-19 (before January 1, 2013), and IC 36-2-2.5-5 (after December 31, 2012)~~ and the abstract required by IC 36-6-4-13 shall each be published one (1) time only, in accordance with this chapter.

(g) Each school corporation shall submit to the department of education a copy of the financial report required under this section. The department of education shall make the financial reports available for public inspection.

SECTION 24. IC 5-4-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) An official bond of any state, county, township, or other public officer may not be approved until the execution is acknowledged by the principal and sureties before some officer authorized to take the acknowledgment of deeds. The officer taking the acknowledgment shall certify the act on the bond.

(b) In the case of a surety company, the official bonds of the county treasurer and the city controller acting as city treasurer in a second class city shall be signed and acknowledged by the appropriate officers of the company in the presence of a notary public or other officer authorized to take acknowledgments. Otherwise, the official bonds of those officers shall be signed and acknowledged by the officers and their sureties in the presence of at least a majority of the board of county commissioners **(before January 1, 2013) or at least a**

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1 **majority of the county council (after December 31, 2012)** in the case
 2 of the county treasurer and of a majority of the common council of the
 3 city in the case of the city controller acting as city treasurer of a second
 4 class city.

5 SECTION 25. IC 5-4-4-15 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. The board of
 7 commissioners **(before January 1, 2013) or executive (after**
 8 **December 31, 2012)** of each county shall examine all the official
 9 bonds filed in the office of the clerk of the circuit court and in the
 10 office of the auditor of such county, and also the bond of such clerk;
 11 and if the penalty of any such bond is inadequate, or the sureties
 12 thereof are insufficient, or have removed from the state, except in case
 13 of the bond of the clerk, such board **or executive** shall direct such clerk
 14 to cause the necessary proceedings to be had as herein provided to
 15 procure new bond or additional sureties. And in case of such clerk's
 16 bond, such board **or executive** shall cause the auditor of such county
 17 to institute such proceedings; and in case such clerk or auditor fail to
 18 comply with the order of such board **or executive**, they shall be liable
 19 on their bonds for any damage occasioned by such neglect growing out
 20 of any malfeasance or nonfeasance or default in office of the officers
 21 complained against. Such board **or executive** may at any time institute
 22 such examination, of its own motion, as to the bond of any such officer,
 23 or may make such examination on petition of any taxpayer.

24 SECTION 26. IC 5-7-2-7 IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2009]: Sec. 7. It shall be unlawful for any board
 26 of commissioners **(before January 1, 2013) or (after December 31,**
 27 **2012) any county executive or county council** to allow any county,
 28 township or other public officer, any sum of money out of a county
 29 treasury except when the statutes confer the clear and unequivocal
 30 authority to do so: Provided, That the clerk of the circuit court shall
 31 receive for attendance upon the circuit court the same per diem as is
 32 allowed for attendance upon criminal and superior courts.

33 SECTION 27. IC 5-11-5-4 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. Any action brought
 35 by the attorney general, as provided in this article, may be brought in
 36 the name, as plaintiff, of the state of Indiana, or such municipality or
 37 subdivision of the state of Indiana as it may appear is entitled to
 38 recover moneys or to secure other relief under such action. If the action
 39 is brought on an official bond or official bonds, the cause may be
 40 brought in the name of the state of Indiana on the relation of such
 41 plaintiff. In an action against a township trustee, or ex-township trustee,
 42 or upon ~~his~~ **the trustee's** official bond, both the civil and school

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corporations may be named as plaintiff or relator in the same action, and recovery may be had for the aggregate amount due both corporations, but the court or jury trying the case shall, in the finding or verdict, state the amount due each corporation. In an action where a board of commissioners **(before January 1, 2013) or (after December 31, 2012) a county executive or county council** is plaintiff or relator, the plaintiff shall be entitled to recover against the delinquent officer or ex-officer, or upon ~~his~~ **the officer's** official bond or bonds, all such amounts as would be recoverable under all the laws of this state, including this chapter, in any or all actions by or upon the relation of the board of commissioners **(before January 1, 2013) or (after December 31, 2012) a county executive or county council**, or by or upon the relation of any county officer or other person authorized to sue for whatever funds, or for any funds of which it is the custodian and with which it is chargeable, and in case any of the funds so recovered are school funds, the court or jury trying the case shall find and state the amount thereof. In any action brought under this article, the plaintiff shall be entitled to recover, in addition to the amount misappropriated, diverted or unaccounted for, all such penalties and interest as might be recoverable under laws other than this chapter.

The term municipality, as used in this article, shall be construed to extend to, include, and mean any county, township, city, town, school corporation, special taxing district, or other political subdivision of Indiana.

SECTION 28. IC 5-11-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. Anything in existing law pertaining to the mode and form of records and accounting system in the offices of the county treasurer and county auditor to the contrary notwithstanding, hereafter the several boards of county commissioners **(before January 1, 2013) or county executive (after December 31, 2012)** may provide for the installation of modern tax accounting systems in the offices of the treasurer and auditor of such counties by certifying a detailed description of the proposed installation and system and the records, books, ledgers, and forms proposed to exemplify such systems and methods to the state board of accounts of the state of Indiana after approval by such board of county commissioners **or county executive**. The said state board of accounts shall examine the forms, systems, and methods so proposed and if approved, shall certify that fact to such board of county commissioners **or county executive** and thereupon such board of county commissioners **or county executive** shall be at liberty, if it ~~find~~ **finds** that the installation and adoption of such new system and the use of such new forms will be of

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benefit to the county and that such benefit will exceed or at least equal the cost thereof, to install, adopt, and order the use of such new system, forms, ledgers, and methods; but no expenditure for forms or equipment shall be made nor any obligation incurred for that purpose until funds therefor have been appropriated by the county council as now provided by law. No such records, books, ledgers, forms, system, or equipment shall be installed or purchased or leased until and unless the board of commissioners **(before January 1, 2013) or county executive (after December 31, 2012)** shall have invited and received bids thereon in the manner and subject to the provisions of law concerning the purchase of other county materials, supplies, and equipment.

SECTION 29. IC 5-11-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. A board of county commissioners **(before January 1, 2013) or (after December 31, 2012) a county executive or county council** may not change its tax accounting system, system of accounting and reporting, or use of forms, ledgers, or other records under this chapter without the approval of the state board of accounts.

SECTION 30. IC 5-13-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. **(a)** Except as provided in section 2 of this chapter, the ~~board of commissioners and the county treasurer in each county together following~~ constitute the county board of finance:

(1) The board of commissioners (before January 1, 2013) or county executive (after December 31, 2012).

(2) The county treasurer.

(3) After December 31, 2012, the county auditor.

(b) The board has supervision of the revocation of public depositories for all public funds of the county.

SECTION 31. IC 5-13-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) Except as provided in subsection (b), in addition to any other statutory power to make investments, each county treasurer and each fiscal officer of any political subdivision other than a county, under the guidelines established, respectively, by the board of county commissioners **(before January 1, 2013) or the county council (after December 31, 2012)** of each county and the fiscal body of any other subdivision, and any other officer of a local government entity authorized by statute or court order to make investments, may invest any funds held by each in accordance with this chapter.

(b) The treasurer of state may invest funds under section 2.5 of this

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chapter.

(c) The funds that may be invested under this chapter include money raised by bonds issued for a future specific purpose, sinking funds, depreciation reserve funds, gift, bequest, or endowment, and any other funds available for investment.

SECTION 32. IC 5-13-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) The board of county commissioners **(before January 1, 2013) or the county council (after December 31, 2012)** of each county, and the fiscal body of each political subdivision other than a county, may by ordinance or resolution authorize the investing officer of each, respectively, to invest in certificates of deposit of depositories that have not been designated by the local board of finance of either but have been designated by the state board of finance as a depository for state deposits under IC 5-13-9.5. An ordinance or a resolution adopted under this subsection must provide that the authority granted in the ordinance or resolution expires on a date that is not later than two (2) years after the date the ordinance or resolution is adopted.

(b) With respect to any money to be invested in a deposit account under subsection (a), the investing officer shall solicit quotes for the certificates of deposit from at least three (3) depositories. If only one (1) depository has been designated for the political subdivision by its local board of finance, a quote must be solicited from that depository. If two (2) or more depositories have been designated for the political subdivision by its local board of finance, at least two (2) quotes must be solicited from the depositories thus designated. The quotes may be solicited and taken by telephone. A memorandum of all quotes solicited and taken shall be retained by the investing officer as a public record of the political subdivision under IC 5-14-3.

(c) Investments in any certificates of deposit to which this section applies shall be placed in the depository quoting the highest rate of interest under subsection (b), as determined after deducting any fee charged by the depository. If two (2) or more depositories submit the same highest quote, the investment shall be placed as follows:

(1) If only one (1) of the highest quoters is a depository designated for the political subdivision by its local board of finance, the investment shall be placed in that depository.

(2) If more than one (1) of the highest quoters are depositories designated for the political subdivision by its local board of finance, the investment shall be placed by the investing officer in any or all of these depositories in the amount or amounts determined by the investing officer, in the investing officer's

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discretion.

(3) If none of the highest quoters is a depository designated for the political subdivision by its local board of finance, the investment shall be placed by the investing officer in one (1) of the depositories submitting the highest quote.

SECTION 33. IC 5-13-9-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) All interest derived from an investment by a political subdivision or by any other local public officer under the authority granted by section 3 of this chapter shall be deposited, except as otherwise provided by law, in the general fund of the investment authority or in any other fund its governing body designates specifically or by rule, subject to the modifications and limitations in this section.

(b) Interest from the following investments shall be receipted as follows:

(1) Interest from investments of funds of a political subdivision that are traceable to United States government funds must be receipted to the fund of which they are a part, if required by federal law or regulation.

(2) Interest from investments of funds controlled by court orders must be receipted to that fund unless otherwise designated by the court order.

(c) Each county treasurer, if authorized by the board of county commissioners **(before January 1, 2013) or the county council (after December 31, 2012)** may invest tax collections under this chapter pending distribution of the collections to political subdivisions. These investments may not:

(1) exceed the amount available after giving consideration to taxes which may need to be advanced to any political subdivision; or

(2) be made in deposit accounts or repurchase agreements, the maturity dates of which are later than the time when the tax collections are required by law to be distributed to political subdivisions.

(d) The interest received on the investments made under subsection (c) shall be receipted to the county general fund or any other fund from which expenses incurred in the maintenance of county highways may be paid. The county fiscal body (as defined in IC 36-1-2-6) shall determine the allocation of this interest among the general fund and the various highway funds into which the interest may be deposited.

(e) Any political subdivision may apply the interest derived from the investment of the proceeds from bonded indebtedness or local tax

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1 levies to the appropriate redemption bond interest or sinking fund for
2 the bonded indebtedness.

3 (f) If meter deposits of a municipally owned utility are invested, the
4 interest earned on the investment may be applied to and used in the
5 operation or depreciation fund of the municipally owned utility as
6 determined by its governing body.

7 (g) Interest from the investment of the public funds of a political
8 subdivision may not be paid personally or for the benefit of any public
9 officer.

10 SECTION 34. IC 5-15-6-1 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) A commission is
12 hereby created in each county of the state which shall be known as the
13 county commission of public records of _____ county.

14 (b) The county commission shall consist, ex officio, of the judge of
15 the circuit court, the president of the board of county commissioners
16 **(before January 1, 2013) or the county executive (after December**
17 **31, 2012)**, the county auditor, the clerk of the circuit court, the county
18 recorder, the superintendent of schools of the school district in which
19 the county seat is located, and the city controller of the county seat city,
20 and if there is no city controller, then the clerk-treasurer of the county
21 seat city or town shall be a member of such commission.

22 (c) The commission shall elect one (1) of its members to be
23 chairman and the clerk of the circuit court shall be secretary. The
24 members of the county commission shall serve without compensation
25 and shall receive no disbursement for any expense.

26 (d) The county commission shall meet at least one (1) time in each
27 calendar year.

28 SECTION 35. IC 5-26-2-3 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The commission
30 is comprised of twelve (12) members as follows:

- 31 (1) A sheriff appointed by the governor.
- 32 (2) A chief of police appointed by the governor.
- 33 (3) A fire chief appointed by the governor.
- 34 (4) A head of an emergency medical services provider appointed
35 by the governor.
- 36 (5) A mayor appointed by the governor.
- 37 (6) A county commissioner **(before January 1, 2013) or county**
38 **executive (after December 31, 2012)** appointed by the governor.
- 39 (7) A representative of campus law enforcement appointed by the
40 governor.
- 41 (8) A representative of the private sector appointed by the
42 governor.

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(9) The superintendent of the state police department, who represents the state agency public safety committee.

(10) The special agent in charge of the Indiana office of the Federal Bureau of Investigation or designee.

(11) An individual appointed by the speaker of the house of representatives.

(12) An individual appointed by the president pro tempore of the senate.

(b) Not more than four (4) members appointed under subsection (a)(1) through (a)(8) may be members of the same political party.

SECTION 36. IC 6-1.1-4-31, AS AMENDED BY P.L.146-2008, SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 31. (a) The department of local government finance shall periodically check the conduct of:

(1) a general reassessment of property;

(2) work required to be performed by local officials under 50 IAC 21; and

(3) other property assessment activities in the county, as determined by the department.

The department of local government finance may inform township assessors (if any), county assessors, and the presidents of county councils in writing if its check reveals that the general reassessment or other property assessment activities are not being properly conducted, work required to be performed by local officials under 50 IAC 21 is not being properly conducted, or property assessments are not being properly made.

(b) The failure of the department of local government finance to inform local officials under subsection (a) shall not be construed as an indication by the department that:

(1) the general reassessment or other property assessment activities are being properly conducted;

(2) work required to be performed by local officials under 50 IAC 21 is being properly conducted; or

(3) property assessments are being properly made.

(c) If the department of local government finance:

(1) determines under subsection (a) that a general reassessment or other assessment activities for a general reassessment year or any other year are not being properly conducted; and

(2) informs:

(A) the township assessor (if any) of each affected township;

(B) the county assessor; and

(C) the president of the county council;

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1 in writing under subsection (a);
 2 the department may order a state conducted assessment or reassessment
 3 under section 31.5 of this chapter to begin not less than sixty (60) days
 4 after the date of the notice under subdivision (2). If the department
 5 determines during the period between the date of the notice under
 6 subdivision (2) and the proposed date for beginning the state conducted
 7 assessment or reassessment that the general reassessment or other
 8 assessment activities for the general reassessment are being properly
 9 conducted, the department may rescind the order.

10 (d) If the department of local government finance:

11 (1) determines under subsection (a) that work required to be
 12 performed by local officials under 50 IAC 21 is not being
 13 properly conducted; and

14 (2) informs:

15 (A) the township assessor of each affected township (if any);

16 (B) the county assessor; and

17 (C) the president of the county council;

18 in writing under subsection (a);

19 the department may conduct the work or contract to have the work
 20 conducted to begin not less than sixty (60) days after the date of the
 21 notice under subdivision (2). If the department determines during the
 22 period between the date of the notice under subdivision (2) and the
 23 proposed date for beginning the work or having the work conducted
 24 that work required to be performed by local officials under 50 IAC 21
 25 is being properly conducted, the department may rescind the order.

26 (e) If the department of local government finance contracts to have
 27 work conducted under subsection (d), the department shall forward the
 28 bill for the services to the county and the county shall pay the bill under
 29 the same procedures that apply to county payments of bills for
 30 assessment or reassessment services under section 31.5 of this chapter.

31 (f) A county council president who is informed by the department
 32 of local government finance under subsection (a) shall provide the
 33 information to the board of county commissioners **(before January 1,**
 34 **2013) or to the county council (after December 31, 2012).** A board
 35 of county commissioners **or county council** that receives information
 36 under this subsection may adopt an ordinance **(before January 1,**
 37 **2013, in the case of a board of county commissioners, or after**
 38 **December 31, 2012, in the case of a county council)** to do either or
 39 both of the following:

40 (1) Determine that:

41 (A) the information indicates that the county assessor has
 42 failed to perform adequately the duties of county assessor; and

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(B) by that failure the county assessor forfeits the office of county assessor and is subject to removal from office by an information filed under IC 34-17-2-1(b).

(2) Determine that:

(A) the information indicates that one (1) or more township assessors in the county have failed to perform adequately the duties of township assessor; and

(B) by that failure the township assessor or township assessors forfeit the office of township assessor and are subject to removal from office by an information filed under IC 34-17-2-1(b).

(g) A city-county council that is informed by the department of local government finance under subsection (a) may adopt an ordinance making the determination or determinations referred to in subsection (f).

SECTION 37. IC 6-1.1-9-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. If a county assessor believes that a taxpayer of ~~his~~ **the** county has not properly reported any personal property and that it is thus necessary to examine any records, property, or persons situated outside the county, ~~he~~ **the county assessor** shall inform the county board of commissioners **(before January 1, 2013) or county executive (after December 31, 2012)** of ~~his~~ **the county assessor's** belief. If the board **(before January 1, 2013) or county executive (after December 31, 2012)** is satisfied that the examination is necessary, the board **or county executive** may direct the county assessor to conduct it. If the board **(before January 1, 2013) or county executive (after December 31, 2012)** so directs, the county assessor shall make the examination. The board of commissioners **(before January 1, 2013) or county executive (after December 31, 2012)** shall pay the expenses incurred by the county assessor in making the examination if ~~he~~ **the county assessor** submits an itemized statement of ~~his~~ **the county assessor's** expenses and a voucher for each item of expense.

SECTION 38. IC 6-1.1-17-0.5, AS AMENDED BY P.L.144-2008, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 0.5. (a) For purposes of this section, "assessed value" has the meaning set forth in IC 6-1.1-1-3(a).

(b) The county auditor may exclude and keep separate on the tax duplicate for taxes payable in a calendar year the assessed value of tangible property that meets the following conditions:

(1) The assessed value of the property is at least nine percent (9%) of the assessed value of all tangible property subject to

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1 taxation by a taxing unit.

2 (2) The property is or has been part of a bankruptcy estate that is
3 subject to protection under the federal bankruptcy code.

4 (3) The owner of the property has discontinued all business
5 operations on the property.

6 (4) There is a high probability that the taxpayer will not pay
7 property taxes due on the property in the following year.

8 (c) This section does not limit, restrict, or reduce in any way the
9 property tax liability on the property.

10 (d) For each taxing unit located in the county, the county auditor
11 may reduce for a calendar year the taxing unit's assessed value that is
12 certified to the department of local government finance under section
13 1 of this chapter and used to set tax rates for the taxing unit for taxes
14 first due and payable in the immediately succeeding calendar year. The
15 county auditor may reduce a taxing unit's assessed value under this
16 subsection only to enable the taxing unit to absorb the effects of
17 reduced property tax collections in the immediately succeeding
18 calendar year that are expected to result from any or a combination of
19 the following:

20 (1) Successful appeals of the assessed value of property located
21 in the taxing unit.

22 (2) Deductions under IC 6-1.1-12-37 that result from the granting
23 of applications for the homestead credit for the calendar year
24 under IC 6-1.1-20.9-3 (**repealed**) or IC 6-1.1-20.9-3.5 (**repealed**)
25 after the county auditor certifies assessed value as described in
26 this section.

27 (3) Deductions that result from the granting of applications for
28 deductions for the calendar year under IC 6-1.1-12-44 after the
29 county auditor certifies assessed value as described in this
30 section.

31 Not later than December 31 of each year, the county auditor shall send
32 a certified statement, under the seal of the board of county
33 commissioners (**before January 1, 2013**) or county executive (**after**
34 **December 31, 2012**), to the fiscal officer of each political subdivision
35 of the county and to the department of local government finance. The
36 certified statement must list any adjustments to the amount of the
37 reduction under this subsection and the information submitted under
38 section 1 of this chapter that are necessary as the result of processing
39 homestead credit applications and deduction applications that are filed
40 after the county auditor certifies assessed value as described in this
41 section. The county auditor shall keep separately on the tax duplicate
42 the amount of any reductions made under this subsection. The

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1 maximum amount of the reduction authorized under this subsection is
 2 determined under subsection (e).

3 (e) The amount of the reduction in a taxing unit's assessed value for
 4 a calendar year under subsection (d) may not exceed two percent (2%)
 5 of the assessed value of tangible property subject to assessment in the
 6 taxing unit in that calendar year.

7 (f) The amount of a reduction under subsection (d) may not be
 8 offered in a proceeding before the:

- 9 (1) county property tax assessment board of appeals;
- 10 (2) Indiana board; or
- 11 (3) Indiana tax court;

12 as evidence that a particular parcel has been improperly assessed.

13 SECTION 39. IC 6-1.1-17-1, AS AMENDED BY P.L.146-2008,
 14 SECTION 146, IS AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) On or before August 1 of each
 16 year, the county auditor shall send a certified statement, under the seal
 17 of the board of county commissioners **(before January 1, 2013) or**
 18 **county executive (after December 31, 2012)**, to the fiscal officer of
 19 each political subdivision of the county and the department of local
 20 government finance. The statement shall contain:

- 21 (1) information concerning the assessed valuation in the political
- 22 subdivision for the next calendar year;
- 23 (2) an estimate of the taxes to be distributed to the political
- 24 subdivision during the last six (6) months of the current calendar
- 25 year;
- 26 (3) the current assessed valuation as shown on the abstract of
- 27 charges;
- 28 (4) the average growth in assessed valuation in the political
- 29 subdivision over the preceding three (3) budget years, excluding
- 30 years in which a general reassessment occurs, determined
- 31 according to procedures established by the department of local
- 32 government finance;
- 33 (5) the amount of the political subdivision's assessed valuation
- 34 reduction determined under section 0.5(d) of this chapter;
- 35 (6) for counties with taxing units that cross into or intersect with
- 36 other counties, the assessed valuation as shown on the most
- 37 current abstract of property; and
- 38 (7) any other information at the disposal of the county auditor that
- 39 might affect the assessed value used in the budget adoption
- 40 process.

41 (b) The estimate of taxes to be distributed shall be based on:

- 42 (1) the abstract of taxes levied and collectible for the current

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1 calendar year, less any taxes previously distributed for the
2 calendar year; and

3 (2) any other information at the disposal of the county auditor
4 which might affect the estimate.

5 (c) The fiscal officer of each political subdivision shall present the
6 county auditor's statement to the proper officers of the political
7 subdivision.

8 (d) Subject to subsection (e) and except as provided in subsection
9 (f), after the county auditor sends a certified statement under subsection
10 (a) or an amended certified statement under this subsection with
11 respect to a political subdivision and before the department of local
12 government finance certifies its action with respect to the political
13 subdivision under section 16(f) of this chapter, the county auditor may
14 amend the information concerning assessed valuation included in the
15 earlier certified statement. The county auditor shall send a certified
16 statement amended under this subsection, under the seal of the board
17 of county commissioners **(before January 1, 2013) or county**
18 **executive (after December 31, 2012), to:**

19 (1) the fiscal officer of each political subdivision affected by the
20 amendment; and

21 (2) the department of local government finance.

22 (e) Except as provided in subsection (g), before the county auditor
23 makes an amendment under subsection (d), the county auditor must
24 provide an opportunity for public comment on the proposed
25 amendment at a public hearing. The county auditor must give notice of
26 the hearing under IC 5-3-1. If the county auditor makes the amendment
27 as a result of information provided to the county auditor by an assessor,
28 the county auditor shall give notice of the public hearing to the
29 assessor.

30 (f) Subsection (d) does not apply to an adjustment of assessed
31 valuation under IC 36-7-15.1-26.9(d).

32 (g) The county auditor is not required to hold a public hearing under
33 subsection (e) if:

34 (1) the amendment under subsection (d) is proposed to correct a
35 mathematical error made in the determination of the amount of
36 assessed valuation included in the earlier certified statement;

37 (2) the amendment under subsection (d) is proposed to add to the
38 amount of assessed valuation included in the earlier certified
39 statement assessed valuation of omitted property discovered after
40 the county auditor sent the earlier certified statement; or

41 (3) the county auditor determines that the amendment under
42 subsection (d) will not result in an increase in the tax rate or tax

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rates of the political subdivision.

SECTION 40. IC 6-1.1-17-15, AS AMENDED BY P.L.146-2008, SECTION 159, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. A political subdivision may appeal to the department of local government finance for an increase in its tax rate or tax levy as fixed by the county board of tax adjustment or the county auditor. To initiate the appeal, the political subdivision must file a statement with the department of local government finance not later than ten (10) days after publication of the notice required by section 12 of this chapter. The legislative body of the political subdivision must authorize the filing of the statement by adopting a resolution. The resolution must be attached to the statement of objections, and the statement must be signed by the following officers:

(1) In the case of counties, by the board of county commissioners **(before January 1, 2013) or county executive (after December 31, 2012)** and by the president of the county council.

(2) In the case of all other political subdivisions, by the highest executive officer and by the presiding officer of the legislative body.

SECTION 41. IC 6-1.1-18-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) Except as provided in subsections (b) and (c) of this section, a political subdivision may not expend any funds which it has received from the state and which it is required to include in its budget estimate under IC ~~1971~~, 6-1.1-17-2 unless:

(1) the funds have been included in a budget estimate by the political subdivision; and

(2) the funds have been appropriated by the proper officers of the political subdivision in the amounts and for the specific purposes for which they may be used.

(b) The county council shall appropriate funds for the operation of the county highway department for the entire ensuing budget year for which annual appropriations are being made. The appropriation shall be for an amount which is not less than the greater of:

(1) seventy-five percent (75%) of the total estimated to be in the highway fund in the ensuing budget year; or

(2) ninety-nine percent (99%) of the total estimated to be in the highway fund in the ensuing budget year if the county commissioners **(before January 1, 2013) or county executive (after December 31, 2012)** file with the county council a four (4) year plan for the construction and improvement of county highways and a one (1) year plan for the maintenance and repair

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of the county highways.

(c) In the event of a casualty, accident, or extraordinary emergency, the proper officers of a political subdivision may use state funds to make an additional appropriation under section 5 of this chapter.

SECTION 42. IC 6-1.1-22-8.1, AS AMENDED BY P.L.3-2008, SECTION 53, AND AS AMENDED BY P.L.146-2008, SECTION 251, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8.1. (a) This section applies only to property taxes and special assessments first due and payable after December 31, 2007.

(b) The county treasurer shall:

- (1) mail to the last known address of each person liable for any property taxes or special assessment, as shown on the tax duplicate or special assessment records, or to the last known address of the most recent owner shown in the transfer book; and
- (2) transmit by written, electronic, or other means to a mortgagee maintaining an escrow account for a person who is liable for any property taxes or special assessments, as shown on the tax duplicate or special assessment records;

a statement in the form required under subsection (c). *However, for property taxes first due and payable in 2008, the county treasurer may choose to use a tax statement that is different from the tax statement prescribed by the department under subsection (c). If a county chooses to use a different tax statement, the county must still transmit (with the tax bill) the statement in either color type or black-and-white type.*

(c) The department of local government finance shall prescribe a form, subject to the approval of the state board of accounts, for the statement under subsection (b) that includes at least the following:

- (1) A statement of the taxpayer's current and delinquent taxes and special assessments.
- (2) A breakdown showing the total property tax and special assessment liability and the amount of the taxpayer's liability that will be distributed to each taxing unit in the county.
- (3) An itemized listing for each property tax levy, including:
 - (A) the amount of the tax rate;
 - (B) the entity levying the tax owed; and
 - (C) the dollar amount of the tax owed.
- (4) Information designed to show the manner in which the taxes and special assessments billed in the tax statement are to be used.
- (5) A comparison showing any change in the assessed valuation for the property as compared to the previous year.
- (6) A comparison showing any change in the property tax and

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special assessment liability for the property as compared to the previous year. The information required under this subdivision must identify:

(A) the amount of the taxpayer's liability distributable to each taxing unit in which the property is located in the current year and in the previous year; and

(B) the percentage change, if any, in the amount of the taxpayer's liability distributable to each taxing unit in which the property is located from the previous year to the current year.

(7) An explanation of the following:

(A) The homestead credit and all property tax deductions.

(B) The procedure and deadline for filing for the homestead credit and each deduction.

(C) The procedure that a taxpayer must follow to:

(i) appeal a current assessment; or

(ii) petition for the correction of an error related to the taxpayer's property tax and special assessment liability.

(D) The forms that must be filed for an appeal or a petition described in clause (C).

The department of local government finance shall provide the explanation required by this subdivision to each county treasurer.

(8) A checklist that shows:

(A) the homestead credit and all property tax deductions; and

(B) whether the homestead credit and each property tax deduction applies in the current statement for the property transmitted under subsection (b).

(d) The county treasurer may mail or transmit the statement one (1) time each year at least fifteen (15) days before the date on which the first or only installment is due. Whenever a person's tax liability for a year is due in one (1) installment under IC 6-1.1-7-7 or section 9 of this chapter, a statement that is mailed must include the date on which the installment is due and denote the amount of money to be paid for the installment. Whenever a person's tax liability is due in two (2) installments, a statement that is mailed must contain the dates on which the first and second installments are due and denote the amount of money to be paid for each installment.

(e) All payments of property taxes and special assessments shall be made to the county treasurer. The county treasurer, when authorized by the board of county commissioners **(before January 1, 2013) or county executive (after December 31, 2012)**, may open temporary offices for the collection of taxes in cities and towns in the county other

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1 than the county seat.

2 (f) The county treasurer, county auditor, and county assessor shall
3 cooperate to generate the information to be included in the statement
4 under subsection (c).

5 (g) The information to be included in the statement under subsection
6 (c) must be simply and clearly presented and understandable to the
7 average individual.

8 (h) After December 31, 2007, a reference in a law or rule to
9 IC 6-1.1-22-8 (*expired January 1, 2008, and repealed*) shall be treated
10 as a reference to this section.

11 SECTION 43. IC 6-1.1-22.5-13 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. Taxpayers shall
13 make all payments under this chapter to the county treasurer. The board
14 of county commissioners (**before January 1, 2013**) or **county**
15 **executive (after December 31, 2012)** may authorize the county
16 treasurer to open temporary offices to receive payments under this
17 chapter in municipalities in the county other than the county seat.

18 SECTION 44. IC 6-1.1-25-0.5 IS ADDED TO THE INDIANA
19 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 2009]: **Sec. 0.5. After December 31, 2012, the**
21 **county executive of a county that does not have a consolidated city**
22 **has the powers, duties, and responsibilities under this chapter of**
23 **the board of county commissioners.**

24 SECTION 45. IC 6-1.1-26-0.5 IS ADDED TO THE INDIANA
25 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2009]: **Sec. 0.5. After December 31, 2012, the**
27 **county executive of a county that does not have a consolidated city**
28 **has the powers, duties, and responsibilities under this chapter of**
29 **the board of county commissioners.**

30 SECTION 46. IC 6-1.1-27-1 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) On or before June
32 20th and December 20th of each year, the county auditor and the
33 county treasurer shall meet in the office of the county auditor. ~~Before~~
34 ~~each semi-annual meeting, the county auditor shall complete an audit~~
35 ~~of the county treasurer's monthly reports required under IC 36-2-10-16.~~
36 ~~In addition,~~ The county auditor shall:

37 (1) prepare a certificate of settlement on the form prescribed by
38 the state board of accounts; and

39 (2) deliver the certificate of settlement to the county treasurer at
40 least two (2) days before each semi-annual meeting.

41 (b) If any county treasurer or auditor refuses, neglects, or fails to
42 distribute tax money due to a tax unit on or before the fifty-first day

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1 immediately following each property tax due date under IC 6-1.1-22-9
 2 or IC 6-1.1-37-10, whichever applies, the county treasurer and auditor
 3 shall pay to the taxing unit from the county general fund interest on the
 4 taxing unit's undistributed tax money if the county treasurer and auditor
 5 invest undistributed tax money in an interest bearing investment. The
 6 amount of interest to be paid equals the taxing unit's proportionate
 7 share of the actual amount of interest which is received from
 8 investments of the undistributed tax money from the fifty-second day
 9 immediately following the property tax due date under IC 6-1.1-22-9
 10 or IC 6-1.1-37-10, whichever applies, to the date that the tax money is
 11 distributed.

12 SECTION 47. IC 6-1.1-27-6 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) If the board of
 14 county commissioners **(before January 1, 2013) or executive (after**
 15 **December 31, 2012)** of a county determines that the county treasurer
 16 has paid, and accounted to the board for, more money than was due
 17 from ~~him~~, **the county treasurer**, the board **or executive** shall direct
 18 the county auditor to credit the county treasurer with the sum
 19 improperly paid and shall order that the sum be repaid out of the county
 20 treasury. It is not necessary to appropriate the money to be refunded
 21 before it is paid.

22 (b) If improper or erroneous payments are made by a county
 23 treasurer to the state treasurer, the board of county commissioners
 24 **(before January 1, 2013) or county executive (after December 31,**
 25 **2012)** shall order the county auditor to certify to the state auditor a
 26 statement concerning the improper or erroneous payments. The state
 27 auditor shall audit the statement and shall allow the amount due as a
 28 claim against the treasurer of state. The state treasurer shall refund the
 29 amount due out of money not otherwise appropriated.

30 (c) A refund may not be made to a county treasurer under this
 31 section after the expiration of ten (10) years from the date when the
 32 amount was improperly or erroneously paid by ~~him~~. **the county**
 33 **treasurer.**

34 SECTION 48. IC 6-1.1-28-0.5 IS ADDED TO THE INDIANA
 35 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2009]: **Sec. 0.5. After December 31, 2012, the**
 37 **county executive of a county that does not have a consolidated city**
 38 **has the powers, duties, and responsibilities under this chapter of**
 39 **the board of county commissioners.**

40 SECTION 49. IC 6-1.1-29-0.5 IS ADDED TO THE INDIANA
 41 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2009]: **Sec. 0.5. After December 31, 2012, the**

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1 county executive of a county that does not have a consolidated city
 2 has the powers, duties, and responsibilities under this chapter of
 3 the board of county commissioners.

4 SECTION 50. IC 6-1.1-35-0.5 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2009]: **Sec. 0.5. After December 31, 2012, the**
 7 **county executive of a county that does not have a consolidated city**
 8 **has the powers, duties, and responsibilities under this chapter of**
 9 **the board of county commissioners.**

10 SECTION 51. IC 6-1.1-36-0.5 IS ADDED TO THE INDIANA
 11 CODE AS A NEW SECTION TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2009]: **Sec. 0.5. After December 31, 2012, the**
 13 **county executive of a county that does not have a consolidated city**
 14 **has the powers, duties, and responsibilities under this chapter of**
 15 **the board of county commissioners.**

16 SECTION 52. IC 6-1.5-5-10 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. (a) The Indiana
 18 board may file an affidavit with a circuit court of this state if:

19 (1) the Indiana board has requested that a person give information
 20 or produce books or records; and

21 (2) the person has not complied with the request.

22 (b) An affidavit filed under subsection (a) must state that the person
 23 has not complied with the request of the Indiana board to give
 24 information or produce books or records.

25 (c) When an affidavit is filed under subsection (a), the circuit court
 26 shall issue a writ that directs the person to appear at the office of the
 27 Indiana board and to give the requested information or produce the
 28 requested books or records. The appropriate county sheriff shall serve
 29 the writ. Disobedience of the writ is punishable as a contempt of the
 30 court that issued the writ.

31 (d) If a writ is issued under this section, the cost incurred in filing
 32 the affidavit, in the issuance of the writ, and in the service of the writ
 33 shall be charged to the person against whom the writ is issued. If a writ
 34 is not issued, all costs shall be charged to the county in which the
 35 circuit court proceedings are held, and the board of commissioners
 36 **(before January 1, 2013) or executive (after December 31, 2012)** of
 37 that county shall allow a claim for the costs.

38 SECTION 53. IC 6-9-0.5 IS ADDED TO THE INDIANA CODE
 39 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2009]:

41 **Chapter 0.5. County Executives in Certain Counties**

42 **Sec. 1. After December 31, 2012, the county executive of a**

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1 county that does not have a consolidated city has the powers,
 2 duties, and responsibilities under this article of the board of county
 3 commissioners.

4 SECTION 54. IC 7.1-2-4-0.5 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2009]: **Sec. 0.5. After December 31, 2012, the**
 7 **county executive of a county that does not have a consolidated city**
 8 **has the powers, duties, and responsibilities under this chapter of**
 9 **the board of county commissioners.**

10 SECTION 55. IC 7.1-3-9.5-2 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) The holder of a
 12 supplemental caterer's permit shall notify the commission in writing
 13 fifteen (15) days in advance of each function that the permittee intends
 14 to cater with alcoholic beverages. The commission may waive the
 15 fifteen (15) day notice period required under this subsection, but may
 16 not waive the requirement for filing notice.

17 (b) The notice shall include the following:

18 (1) The date, time, and location of the function to be catered.

19 (2) If the function is open to the public, located in a county having
 20 a population of less than one hundred fifty thousand (150,000),
 21 and located in a different county from the county where the
 22 permittee holds the three-way permit required under section 1 of
 23 this chapter, the signature of the following official on a document
 24 stating the official's approval of the catering of alcoholic
 25 beverages at the proposed date, time, and location:

26 (A) The president of the town council, if the location is in a
 27 town.

28 (B) The mayor, if the location is in a city.

29 (C) The president of the board of county commissioners
 30 **(before January 1, 2013) or county executive (after**
 31 **December 31, 2012)**, if the location is in unincorporated
 32 territory.

33 (c) If a permittee complies with all notice requirements of
 34 subsection (b), the commission in its absolute discretion has the
 35 authority, any other provision of this title to the contrary
 36 notwithstanding, to approve the proposed date and location of the
 37 function to be catered.

38 (d) The commission need not notify the permittee if the commission
 39 approved the proposed date and location, and the permittee may
 40 proceed as stated in the permittee's notice to the commission. The
 41 commission shall notify the permittee by certified United States mail,
 42 in advance of the function, if the commission does not approve the

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1 proposed date or location.

2 (e) A permittee whose proposed date or location has been
3 disapproved by the commission still may cater the function on that date
4 and at that location, but the permittee may not cater alcoholic
5 beverages at that function on that date and at that location.

6 SECTION 56. IC 8-1-2-0.5 IS ADDED TO THE INDIANA CODE
7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
8 1, 2009]: **Sec. 0.5. After December 31, 2012, the county executive of
9 a county that does not have a consolidated city has the powers,
10 duties, and responsibilities under this chapter of the board of
11 county commissioners.**

12 SECTION 57. IC 8-1-15-2 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. Upon the filing of
14 the petition described in section 1 of this chapter, the court shall set a
15 time for hearing not less than fourteen (14) days nor more than
16 twenty-one (21) days thereafter and notice shall be given of the filing
17 of said petition and the time set for hearing thereof by publication for
18 two (2) full weeks in some newspaper, daily or daily except Sunday, of
19 general circulation in each county wherein any portion of said highway
20 is located. The notice shall be directed to the inhabitants of said county
21 or counties and shall set forth a description of the highway or portion
22 thereof which petitioner seeks to be vacated or relocated and in case of
23 relocation, a distinct description of the proposed new route shall be
24 given. A copy of the notice shall be personally served on the board of
25 commissioners **(before January 1, 2013) or county executive (after
26 December 31, 2012)** of each county in which said highway or any
27 portion thereof is located in the same manner as a summons is served
28 in civil cases. In case of vacation, the clerk of the court shall also send
29 a copy of the published notice by registered mail to each of the owners
30 of the abutting land affected by the vacation proceedings as set out in
31 the petition, provided that the attorney of record who files said vacation
32 proceedings shall deliver to said clerk sufficient postage and copies of
33 the published notice to cover the mailing to such abutting owners.

34 SECTION 58. IC 8-1-23-0.5 IS ADDED TO THE INDIANA CODE
35 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
36 1, 2009]: **Sec. 0.5. After December 31, 2012, the county executive of
37 a county that does not have a consolidated city has the powers,
38 duties, and responsibilities under this chapter of the board of
39 county commissioners.**

40 SECTION 59. IC 8-2-15-0.5 IS ADDED TO THE INDIANA CODE
41 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
42 1, 2009]: **Sec. 0.5. After December 31, 2012, the county executive of**

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a county that does not have a consolidated city has the powers, duties, and responsibilities under this chapter of the board of county commissioners.

SECTION 60. IC 8-3-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. If, at any time after the location of the line of any railroad chartered by this state, and the filing of the map thereof, it shall appear to the directors of such company that the line thereof is necessarily dangerous, inconvenient, or expensive to operate, by reason of unavoidable causes, grades, or serious errors in location, such directors may make local alteration of the line, and cause a new map to be filed in the office where the map showing the first location is filed, and may thereupon take possession of the lands embraced in such new location which may be necessary for the construction and maintenance of such road on such altered line, either by agreement of the owner or by such proceedings as are authorized by the charter of such company, and may use such new line in place of the one for which it is substituted; but nothing in this chapter shall be so construed as to confer upon such railroad company any power to locate its road on any route which would not have been authorized by its charter; and nothing in this chapter contained shall authorize such company to make a location of its track within any city without the consent of the common council of such city, nor to change its road so as to avoid any point named in its charter. And any change so made by any railroad company shall subject said railroad company to the payment of all damages that may be sustained by any person, persons, or corporation on account of such change; provided, that if any railroad company change or relocate any part of its track for a distance of one (1) mile or more, thereby abandoning any part of its track or road as previously located, constructed, and operated, for a distance of one (1) mile or more, such railroad company shall, previous to such change, relocation, or abandoning, pay to the owner or owners of any real estate lying upon, along or near the route or line of said road from which such track is proposed to be taken all damages which may accrue to such owner or owners on account of such removal; such damages shall be assessed in the same manner as lands taken for railroad purposes in pursuance of the statute in force on April 23, 1903, in this state; and said damages, when so assessed, shall be paid to the owner or owners of said lands, or paid into the office of the clerk of the county in which said lands are located, for the use of said owner or owners, previous to the relocation or abandonment of said track; provided, further, that in all cases where any railroad company has made, before or after April 23, 1903, any such alterations as are

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provided for in this chapter, the board of county commissioners **(before January 1, 2013) or executive (after December 31, 2012)** of the county in which such alterations are made may locate a public highway on the old line or route of such railroad for which such new line is substituted by the same proceedings and on the same terms as public highways are on or after April 23, 1903, located.

SECTION 61. IC 8-4.5-4-3, AS AMENDED BY P.L.59-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The Indiana department of transportation shall hold at least one (1) public meeting in a county through which the corridor passes before determining whether the state should acquire a railroad's interest in a corridor that is proposed to be abandoned. Notice of the meeting must be given in accordance with IC 5-14-1.5.

(b) In addition to the notice requirements of IC 5-14-1.5, the department shall give notice of a meeting under this section to the following:

(1) The county commissioners **(before January 1, 2013) or county executive (after December 31, 2012)** of each county through which the railroad's interest in the proposed abandoned corridor passes.

(2) The legislative body of each city or town:

(A) through which the railroad's interest in the corridor passes;
or

(B) that is within one (1) mile of any part of the railroad's interest in the corridor.

(3) The railroad that proposes to abandon the railroad's interest in the corridor.

(4) The Indiana utility regulatory commission.

Notice must be given to the persons described in subdivisions (1) through (4) not later than the date notice is required to be published under IC 5-14-1.5.

(c) The department may hold additional meetings before making a determination under this chapter.

(d) The department shall hold a meeting under this section in each county through which the railroad's interest in the corridor passes.

SECTION 62. IC 8-5-1-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 0.5. After December 31, 2012, the county executive of a county that does not have a consolidated city has the powers, duties, and responsibilities under this chapter of the board of county commissioners.**

SECTION 63. IC 8-5-15-3 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The district shall
 2 be supervised and managed by a board of trustees, which consists of
 3 the following:

4 (1) Four (4) members, one (1) from each county that is a member
 5 of the district, appointed by that county's board of county
 6 commissioners **(before January 1, 2013) or county executive**
 7 **(after December 31, 2012).**

8 (2) Four (4) members, one (1) from each county that is a member
 9 of the district, each of whom is the president of that county's
 10 county council or another council member designated by the
 11 president as a board member.

12 (3) One (1) member representing the rest of the state, appointed
 13 by the governor.

14 (4) One (1) passenger member appointed by the governor. The
 15 member appointed under this subdivision must be selected from
 16 passengers who have submitted a letter of interest to the governor.
 17 To be considered for this position, a passenger must submit a
 18 letter of interest to the governor during a two (2) week period that
 19 begins sixty (60) days before the expiration of the term of the
 20 member appointed under this subdivision. A member of the board
 21 serving under this subdivision is not required to submit a letter of
 22 interest to be eligible for appointment to a successive term.

23 (5) One (1) member who is an employee of the district, appointed
 24 by the governor from a list of names submitted by the labor
 25 unions representing the employees of the district. Each labor
 26 union representing employees of the district may submit one (1)
 27 name to be included on the list of names under this subdivision.

28 (b) A member shall serve for a term of two (2) years from the
 29 beginning of the term for which the member was appointed and until
 30 a successor has qualified for the office. Each member shall serve at the
 31 pleasure of the appointing authority but is eligible for reappointment
 32 for successive terms.

33 (c) The members of the board shall elect for a one (1) year term:

- 34 (1) one (1) member as chairman;
- 35 (2) one (1) member to serve as vice chairman;
- 36 (3) one (1) member to serve as secretary; and
- 37 (4) one (1) member to serve as treasurer.

38 (d) Ninety (90) days before the expiration of the term of the board
 39 member appointed under subsection (a)(4), the district shall post in
 40 each commuter station in the district a notice of the opening on the
 41 board of trustees. The notice must announce the opening for a
 42 passenger member on the board of trustees and provide information on

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submitting a letter of interest. The notice must state the period in which the passenger must submit a letter of interest. The notice must remain posted until the expiration of the two (2) week period described in subsection (a)(4).

(e) A member appointed under subsection (a)(4) or (a)(5) may not:

(1) vote on issues involving perceived or actual financial conflicts of interest, including personnel issues, collective bargaining, and assessment or levy of taxes; or

(2) participate in an executive session of the board under IC 5-14-1.5-6.1, on issues regarding:

(A) the discussion of strategy for:

(i) collective bargaining; or

(ii) the initiation of litigation or litigation that is either pending or has been threatened specifically in writing;

as described in IC 5-14-1.5-6.1(b)(2); or

(B) the discussion of job performance evaluation of individual employees, except for a discussion of the salary, compensation, or benefits of employees during a budget process, as described in IC 5-14-1.5-6.1(b)(9).

(f) The members appointed under subsection (a)(4) and (a)(5) must reside in different counties.

SECTION 64. IC 8-5-15-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) The board of commissioners **(before January 1, 2013) or the county council (after December 31, 2012)** of any county may authorize the grant of funds to any commuter transportation system serving or passing through the county for the purchase of equipment or other capital improvements. The grants shall be made to a district for distribution to the commuter transportation systems or for purchases of equipment or capital improvements to be used on or by the systems in connection with its public transportation operation.

(b) In the event the county is not a member of a district, a grant authorized by this section may be distributed directly to a commuter transportation system.

SECTION 65. IC 8-6-1-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 0.5. After December 31, 2012, the county executive of a county that does not have a consolidated city has the powers, duties, and responsibilities under this chapter of the board of county commissioners.**

SECTION 66. IC 8-6-2.1-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2009]: **Sec. 0.5. After December 31, 2012, the county executive of a county that does not have a consolidated city has the powers, duties, and responsibilities under this chapter of the board of county commissioners.**

SECTION 67. IC 8-6-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. All railroads owned or operated in the state having more than two (2) tracks across any public highway or road, and used for switching purposes exclusively or regularly, or if only one (1) track and used for switching purposes, said railroad corporation shall, upon the order of the county commissioners **(before January 1, 2013) or county executive (after December 31, 2012)** in which said railroad is located, place a flagman at said crossing and maintain the same at their expense from six o'clock a.m. to eight o'clock p.m. of each day and every day, or so long as said commissioners **or county executive** deem it necessary.

SECTION 68. IC 8-6-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. The Indiana department of transportation shall, upon proper petition by:

(1) five (5) or more citizens of this state; or

(2) a board of county commissioners **(before January 1, 2013) or county executive (after December 31, 2012);**

conduct a hearing to declare as dangerous or extra hazardous any grade crossing in this state that the department finds to be of such a character as that the safety of the users of the highway requires the installation of automatic train-activated warning signals or other crossing safety devices. The petition, hearing, and all proceedings must conform with IC 4-21.5.

SECTION 69. IC 8-10-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) Any municipal corporation, county, or any combination of a municipal corporation, municipal corporations, county or counties may create a port authority and there may be created a port authority in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). Such authority may operate in addition to any municipal authority that may be created under this chapter. A municipal corporation shall act by ordinance, and a county shall act by resolution of the county commissioners **(for port authorities created before January 1, 2013) or the county council (for port authorities created after December 31, 2012)** in authorizing the creation of a port authority. A port authority created hereunder shall be a body corporate and politic which may sue and be sued, plead and be impleaded, and shall have the powers and

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jurisdiction enumerated in this chapter. The exercise by such port authority of the powers conferred upon it shall be deemed to be essential governmental functions of the state of Indiana, but no port authority shall be immune from liability by reason thereof.

(b) In the exercise of the powers and authorities herein granted said port authority shall have power to make and enter into any and all contracts in the name or names of the governmental unit or units creating such authority, and such contracts as may be necessary to effectuate the purposes of this chapter and which are not otherwise expressly provided for shall be made without ratification thereof by any other board, body, or officer.

SECTION 70. IC 8-10-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) A port authority created in accordance with the provisions of this chapter shall be governed by a board of directors. Except as provided in subsection (c), members of a board of directors of a port authority created by the exclusive action of a municipal corporation shall consist of the number of members it deems necessary and be appointed by the mayor with the advice and consent of the common council. Members of a board of directors of a port authority created by the exclusive action of a county shall consist of such members as it deems necessary and be appointed by the county commissioners **(for appointments before January 1, 2013) or the county executive (for appointments after December 31, 2012)** of such county. Members of a board of directors of a port authority created by a combination of political subdivisions shall be divided among such political subdivisions in such proportions as such political subdivisions may agree and appointed in the same manner as this section provides for their appointment when such political subdivision creates its own port authority. When a port authority is created by a combination of political subdivisions, the number of directors composing the board shall be determined by agreement between such political subdivisions.

(b) In the case of a port authority created under section 2 of this chapter in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), the board of directors shall consist of seven (7) members, three (3) of whom shall be appointed by the board of county commissioners **(for appointments before January 1, 2013) or the county executive (for appointments after December 31, 2012)**, one (1) each by the mayors of the three (3) cities in the county having the largest populations, and the mayor of the city having the largest population shall appoint any remaining member or members. The board shall be appointed as

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1 follows:

2 (1) The mayors of the three (3) cities in the county having the
3 largest populations shall each make one (1) appointment.

4 (2) The board of county commissioners **(for appointments**
5 **before January 1, 2013) or the county executive (for**
6 **appointments after December 31, 2012)** shall make its three (3)
7 appointments following the naming of the city appointees and
8 appoint persons of such political faith as to make the board of
9 directors a bipartisan body.

10 (3) If a city is entitled to a second appointment, the mayor shall
11 make the appointment subject to retaining the board's bipartisan
12 status.

13 (4) In no event may more than three (3) board members residing
14 in the same city serve on said board at the same time.

15 (5) In no event may more than four (4) members of one (1)
16 political party serve on the board at the same time.

17 (c) This subsection applies to a port authority created under section
18 2 of this chapter by the exclusive action of a municipal corporation in
19 a city having a population of more than seventy-five thousand (75,000)
20 but less than ninety thousand (90,000). The board of directors of the
21 port authority consists of five (5) members appointed as follows:

22 (1) Three (3) members appointed by the mayor of the city.

23 (2) Two (2) members appointed by the legislative body of the city.

24 (d) The appointing authority may at any time remove a director
25 appointed by it for misfeasance, nonfeasance, or malfeasance in office.

26 (e) At the time of appointment, a director must be a resident of one
27 (1) of the following:

28 (1) The political subdivision from which the director is appointed.

29 (2) The county within which the port authority is established.

30 At all times, a majority of the directors must be residents of the
31 political subdivisions from which the members are appointed.

32 (f) The directors of any port authority first appointed shall serve
33 staggered terms. Thereafter each successor shall serve for a term of
34 four (4) years, except that any person appointed to fill a vacancy shall
35 be appointed to only the unexpired term and any director shall be
36 eligible for reappointment.

37 (g) The directors shall elect one (1) of their membership as
38 chairman, and another as vice chairman, and shall designate their terms
39 of office, and shall appoint a secretary who need not be a director. A
40 majority of the board of directors shall constitute a quorum the
41 affirmative vote of which shall be necessary for any action taken by the
42 port authority. No vacancy in the membership of the board shall impair

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the rights of a quorum to exercise all the rights and perform all the duties of the port authority.

(h) Each member of the board of directors of a port authority shall be entitled to receive from the port authority such sum of money as the board of directors may determine as compensation for the member's service as director and reimbursement for the member's reasonable expenses in the performance of the member's duties.

SECTION 71. IC 8-14-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. The money collected for the motor vehicle highway account fund and remaining after refunds and the payment of all expenses incurred in the collection thereof, and after the deduction of the amount appropriated to the department for traffic safety and after the deduction of one-half (1/2) of the amount appropriated for the state police department, shall be allocated to and distributed among the department and subdivisions designated as follows:

(1) Of the net amount in the motor vehicle highway account the auditor of state shall set aside for the cities and towns of the state fifteen percent (15%) thereof. This sum shall be allocated to the cities and towns upon the basis that the population of each city and town bears to the total population of all the cities and towns and shall be used for the construction or reconstruction and maintenance of streets and alleys and shall be annually budgeted as now provided by law. However, no part of such sum shall be used for any other purpose than for the purposes defined in this chapter. If any funds allocated to any city or town shall be used by any officer or officers of such city or town for any purpose or purposes other than for the purposes as defined in this chapter, such officer or officers shall be liable upon their official bonds to such city or town in such amount so used for other purposes than for the purposes as defined in this chapter, together with the costs of said action and reasonable attorney fees, recoverable in an action or suit instituted in the name of the state of Indiana on the relation of any taxpayer or taxpayers resident of such city or town. A monthly distribution thereof of funds accumulated during the preceding month shall be made by the auditor of state.

(2) Of the net amount in the motor vehicle highway account, the auditor of state shall set aside for the counties of the state thirty-two percent (32%) thereof. However, as to the allocation to cities and towns under subdivision (1), and as to the allocation to counties under this subdivision in the event that the amount in the motor vehicle highway account fund remaining after refunds and

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the payment of all expenses incurred in the collection thereof and after deduction of any amount appropriated by the general assembly for public safety and policing shall be less than twenty-two million six hundred and fifty thousand dollars (\$22,650,000), in any fiscal year then the amount so set aside in the next calendar year for distributions to counties shall be reduced fifty-four percent (54%) of such deficit and the amount so set aside for distribution in the next calendar year to cities and towns shall be reduced thirteen percent (13%) of such deficit. Such reduced distributions shall begin with the distribution January 1 of each year.

(3) The amount set aside for the counties of the state under the provisions of subdivision (2) shall be allocated monthly upon the following basis:

(A) Five percent (5%) of the amount allocated to the counties to be divided equally among the ninety-two (92) counties.

(B) Sixty-five percent (65%) of the amount allocated to the counties to be divided on the basis of the ratio of the actual miles, now traveled and in use, of county roads in each county to the total mileage of county roads in the state, which shall be annually determined, accurately, by the department.

(C) Thirty percent (30%) of the amount allocated to the counties to be divided on the basis of the ratio of the motor vehicle registrations of each county to the total motor vehicle registration of the state.

All money so distributed to the several counties of the state shall constitute a special road fund for each of the respective counties and shall be under the exclusive supervision and direction of the board of county commissioners **(before January 1, 2013) or county executive (after December 31, 2012)** in the construction, reconstruction, maintenance, or repair of the county highways or bridges on such county highways within such county.

(4) Each month the remainder of the net amount in the motor vehicle highway account shall be credited to the state highway fund for the use of the department.

(5) Money in the fund may not be used for any toll road or toll bridge project.

(6) Notwithstanding any other provisions of this section, money in the motor vehicle highway account fund may be appropriated to the Indiana department of transportation from the forty-seven percent (47%) distributed to the political subdivisions of the state to pay the costs incurred by the department in providing services

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to those subdivisions.

(7) Notwithstanding any other provisions of this section or of IC 8-14-8, for the purpose of maintaining a sufficient working balance in accounts established primarily to facilitate the matching of federal and local money for highway projects, money may be appropriated to the Indiana department of transportation as follows:

(A) One-half (1/2) from the forty-seven percent (47%) set aside under subdivisions (1) and (2) for counties and for those cities and towns with a population greater than five thousand (5,000).

(B) One-half (1/2) from the distressed road fund under IC 8-14-8.

SECTION 72. IC 8-16-2-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 0.5. After December 31, 2012, the county executive of a county that does not have a consolidated city has the powers, duties, and responsibilities under this chapter of the board of county commissioners.**

SECTION 73. IC 8-16-3.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) When the lessor corporation and the county have agreed upon the terms and conditions of any lease proposed to be entered into under this chapter and before the final execution of the lease, a notice must be published in accordance with IC 5-3-1 of a hearing before the county executive. The notice must name the day, place, and hour of the hearing and must set forth a brief summary of the principal terms of the lease agreed upon, including the location, name of the proposed lessor corporation and character of the bridge to be leased, the rental to be paid, and the number of years the contract is to be in effect. The proposed lease, drawings, plans, specifications, and estimates for the bridge shall be available for inspection by the public during the ten (10) day period and at the meeting. All interested persons shall have a right to be heard at the time fixed, concerning the necessity for the execution of the lease and whether the rental to the lessor corporation is a fair and reasonable rental for the proposed bridge. The hearing may be adjourned to a later date, and following the hearing the county executive may either authorize the execution of the lease as originally agreed upon or may make modifications as agreed upon with the lessor corporation. However, the lease rentals as set out in the published notice may not be increased. The cost of the publication of the notice shall be borne by lessor corporations.

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(b) If the execution of the lease as originally agreed upon, or as modified by agreement, is authorized by the county executive, it shall give notice of the execution of the contract by publication in accordance with IC 5-3-1. Ten (10) or more taxpayers in the lessee county affected by the proposed lease may file a petition in the office of the county auditor of the lessee county, within thirty (30) days after publication of notice of the execution of the lease, setting forth their objections and facts showing that the execution of the lease is unnecessary or unwise, or that the lease rental is not fair and reasonable. Upon the filing of any petition, the county auditor shall certify a copy, together with any other data as may be necessary in order to present the questions involved, to the department of local government finance and upon the receipt of the certified petition and information, the department of local government finance shall fix a time and place for the hearing in the county not less than five (5) or more than thirty (30) days after receipt of the petition. Notice of the hearing shall be given by the department of local government finance to the county commissioners **(before January 1, 2013) or county executive (after December 31, 2012)** of the lessee county, and to the first ten (10) taxpayer-petitioners appearing on the petition by a letter signed by one (1) member of the department of local government finance, and enclosed with full prepaid postage addressed to those persons at their usual place of residence, at least five (5) days before the date of the hearing. A:

(1) taxpayer who signed the petition; or
 (2) political subdivision against which a petition is filed;
 may petition for judicial review of the final determination of the department of local government finance under this subsection. The petition must be filed in the tax court not more than forty-five (45) days after the date of the department's final determination.

(c) No action to contest the validity of the lease or to enjoin the performance of any of the terms and conditions of the lease shall be instituted at any time later than thirty (30) days after publication of notice of the execution of the lease by the county executive or if an appeal has been taken to the department of local government finance, then within thirty (30) days after the decision of the department.

SECTION 74. IC 8-17-5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. This chapter shall not be construed as abolishing the office or employment of county highway supervisors; provided, that the respective boards of county commissioners **(before January 1, 2013) or county executive (after December 31, 2012)** may provide for the county highway engineer to

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1 serve also as the county highway supervisor.

2 SECTION 75. IC 8-20-8-5 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. The authority
4 granted the board of commissioners **(before January 1, 2013) or**
5 **county executive (after December 31, 2012)** under this chapter
6 supplements and does not replace the authority the board **or county**
7 **executive** may have under law to permanently vacate a road or street
8 or to close a road or street for routine maintenance and repair.

9 SECTION 76. IC 8-22-1-7 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. "Executive" means:

- 11 (1) board of commissioners **(before January 1, 2013) or county**
12 **executive (after December 31, 2012)** of a county not having a
13 consolidated city;
- 14 (2) mayor of the consolidated city, of a county having a
15 consolidated city;
- 16 (3) mayor, of a city;
- 17 (4) president of the town council, of a town; or
- 18 (5) chief executive officer, of any other political subdivision.

19 SECTION 77. IC 8-22-3-0.5 IS ADDED TO THE INDIANA CODE
20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
21 1, 2009]: **Sec. 0.5. After December 31, 2012, the county executive of**
22 **a county that does not have a consolidated city has the powers,**
23 **duties, and responsibilities under this chapter of the board of**
24 **county commissioners.**

25 SECTION 78. IC 10-16-2-9 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) The adjutant
27 general shall perform duties required by law, in rules adopted under
28 this chapter, and in the statutes of the United States and required by the
29 governor. If the adjutant general:

- 30 (1) fails or refuses to properly and efficiently perform the duties
31 of the office; or
- 32 (2) is guilty of misconduct or conduct prejudicial to good order
33 and military discipline;

34 written charges setting forth the acts involved shall be filed with the
35 governor. The governor shall take action on the charges for the best
36 interests of the service.

37 (b) The adjutant general shall superintend the preparation of all
38 returns and reports required by the United States from the state.

39 (c) The adjutant general shall:

- 40 (1) keep a register of all the officers of the armed forces of the
41 state; and
- 42 (2) keep in the adjutant general's office all records and papers

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required to be kept and filed.

(d) If necessary, the adjutant general shall, at the expense of the state, cause:

(1) the armed forces law;

(2) the general regulations of the state; and

(3) the uniform code of military justice of the United States;

to be printed, indexed, and bound in proper and compact form. One (1) copy of each publication shall be distributed to the commissioned officers, sheriffs, clerks of boards of county commissioners **(before January 1, 2013) or county executives (after December 31, 2012)**, and county treasurers of Indiana. The adjutant general shall issue to each commissioned officer and headquarters one (1) copy of the necessary textbooks and of such annual reports concerning the militia as the governor directs.

(e) The adjutant general shall cause to be prepared and issued all blank books, blank forms, and blank notices required to implement this chapter. The books and blanks are property of the state.

(f) The adjutant general shall attend to the safekeeping and repairing of the ordnance, arms, accouterments, equipment, and all other military and naval property belonging to the state or issued to it by the United States. The governor shall order the adjutant general to dispose of all military and naval property of the state that after a proper inspection is found unsuitable for the use of the state. The adjutant general shall dispose of the property:

(1) by public auction after advertisement of the sale weekly for three (3) weeks in at least one (1) newspaper published in the English language in the city or county where the sale is to take place;

(2) by private sale when ordered by the governor; or

(3) with the approval of the governor, by turning over the property to any other department, board, or commission of state government that can use the property.

If the adjutant general believes that better prices may or should be obtained, the adjutant general shall bid in the property or suspend the sale. All parts of uniforms before being offered for sale shall be mutilated so they cannot be again used as uniforms. The adjutant general shall periodically account to the governor of the sales made. The adjutant general shall expend the proceeds of the sales for the use and benefit of the military or naval forces of the state as the governor directs.

(g) The adjutant general shall keep an accurate account of all expenses necessarily incurred, including the following:

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- (1) Pay of officers and enlisted persons.
- (2) Allowances to officers and organizations.
- (3) Pensions.
- (4) Any other money required to be disbursed by the adjutant general, including the following:
 - (A) Subsistence of the national guard.
 - (B) Transportation of the national guard.
 - (C) Transportation of all military and naval property of the state or of the United States.

These expenses shall be audited and paid in the same manner as other military and naval accounts.

(h) The adjutant general shall:

- (1) issue military and naval property; and
- (2) make purchases of military and naval property;

as the governor directs. Military or naval property may not be issued to persons or organizations other than those belonging to the state armed forces, except to those parts of the sedentary militia as the governor may call out.

(i) The seal used in the office of the adjutant general on January 1, 1954, shall be:

- (1) the seal of that office; and
- (2) delivered by the adjutant general to the successor in office.

(j) Except as provided in subsection (k), the adjutant general shall be the auditor of all military accounts payable by the state.

(k) The auditor of state shall audit expenditures made by the adjutant general or through the adjutant general's office. Copies of all orders and contracts relating to expenditures described in this subsection shall be filed in the auditor's office.

SECTION 79. IC 10-17-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. The board of county commissioners **(before January 1, 2013) or the county council (after December 31, 2012)** in each county may appropriate money out of the general fund of the county to erect cottages or any other needed building on the grounds of the home.

SECTION 80. IC 10-17-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. If:

- (1) a person:
 - (A) has served as a member of the armed forces of the United States as a soldier, sailor, or marine in the army, air force, or navy of the United States or as a member of the women's components of the army, air force, or navy of the United States, is a resident of Indiana, and dies while a member of the

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armed forces and before discharge from the armed forces or
after receiving an honorable discharge from the armed forces;
or

(B) is the spouse or surviving spouse of a person described in
clause (A) and is a resident of Indiana; and

(2) a claim is filed for a burial allowance:

(A) by an interested person with the board of commissioners
**(before January 1, 2013) or executive (after December 31,
2012)** of the county of the residence of the deceased person;
and

(B) stating the fact:

(i) of the service, death, and discharge if discharged from
service before death; and

(ii) that the body has been buried in a decent and respectable
manner in a cemetery or burial ground;

the board of commissioners **(before January 1, 2013) or county
executive (after December 31, 2012)** shall hear and determine the
claim like other claims and, if the facts averred are found to be true,
shall allow the claim in an amount set by ordinance. However, the
amount of the allowance may not be more than one thousand dollars
(\$1,000).

SECTION 81. IC 10-18-3-0.5 IS ADDED TO THE INDIANA
CODE AS A **NEW** SECTION TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2009]: **Sec. 0.5. After December 31, 2012, the
legislative body of a county that does not have a consolidated city
has the powers, duties, and responsibilities under this chapter of
the board of county commissioners.**

SECTION 82. IC 10-18-4-0.5 IS ADDED TO THE INDIANA
CODE AS A **NEW** SECTION TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2009]: **Sec. 0.5. After December 31, 2012, the
legislative body of a county that does not have a consolidated city
has the powers, duties, and responsibilities under this chapter of
the board of county commissioners.**

SECTION 83. IC 11-12-2-0.5 IS ADDED TO THE INDIANA
CODE AS A **NEW** SECTION TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2009]: **Sec. 0.5. After December 31, 2012, the
county executive of a county that does not have a consolidated city
has the powers, duties, and responsibilities under this chapter of
the board of county commissioners.**

SECTION 84. IC 11-12-4-0.5 IS ADDED TO THE INDIANA
CODE AS A **NEW** SECTION TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2009]: **Sec. 0.5. After December 31, 2012, the**

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1 **county executive of a county that does not have a consolidated city**
 2 **has the powers, duties, and responsibilities under this chapter of**
 3 **the board of county commissioners.**

4 SECTION 85. IC 12-20-5.5-1, AS AMENDED BY P.L.73-2005,
 5 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2009]: Sec. 1. (a) The township trustee shall process all
 7 applications for township assistance according to uniform written
 8 standards and without consideration of the race, creed, nationality, or
 9 gender of the applicant or any member of the applicant's household.

10 (b) The township's standards for the issuance of township assistance
 11 and the processing of applications must be:

- 12 (1) governed by the requirements of this article;
- 13 (2) proposed by the township trustee, adopted by the township
 14 board, and filed with the board of county commissioners **(before**
 15 **January 1, 2013) or county executive (after December 31,**
 16 **2012);**
- 17 (3) reviewed and updated annually to reflect changes in the cost
 18 of basic necessities in the township and changes in the law;
- 19 (4) published in a single written document, including addenda
 20 attached to the document; and
- 21 (5) posted in a place prominently visible to the public in all
 22 offices of the township trustee where township assistance
 23 applications are taken or processed.

24 SECTION 86. IC 12-20-6-8, AS AMENDED BY P.L.73-2005,
 25 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2009]: Sec. 8. (a) A township trustee shall promptly notify in
 27 writing each applicant for township assistance of action taken upon a
 28 completed application for township assistance. The trustee shall do the
 29 following:

- 30 (1) Mail notice or provide personal notice not later than
 31 seventy-two (72) hours, excluding weekends and legal holidays
 32 listed in IC 1-1-9, after the completed application is received,
 33 advising the applicant of the right to appeal an adverse decision
 34 of the trustee to the board of commissioners **(before January 1,**
 35 **2013) or county executive (after December 31, 2012).**
- 36 (2) Include in the notice required under subdivision (1) the
 37 following:
 - 38 (A) The type and amount of assistance granted.
 - 39 (B) The type and amount of assistance denied or partially
 40 granted.
 - 41 (C) Specific reasons for denying all or part of the assistance
 42 requested.

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(D) Information advising the applicant of the procedures for appeal to the board of commissioners **(before January 1, 2013) or county executive (after December 31, 2012).**

(b) A copy of the notice described in subsection (a) shall be filed with the recipient's application and affidavit in the trustee's office.

(c) An application for township assistance is not considered complete until all adult members of the requesting household have signed:

(1) the township assistance application; and

(2) any other form, instrument, or document:

(A) required by law; or

(B) determined necessary for investigative purposes by the trustee, as contained in the township's township assistance guidelines.

SECTION 87. IC 12-20-15-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 0.5. After December 31, 2012, the county executive of a county that does not have a consolidated city has the powers, duties, and responsibilities under this chapter of the board of county commissioners.**

SECTION 88. IC 12-20-20-2, AS AMENDED BY P.L.73-2005, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) If money is not available for the payment of township assistance claims under section 1 of this chapter, the township board shall appeal to borrow money under IC 12-20-24.

(b) This subsection does not apply to a county having a consolidated city. If the township board does not appeal to borrow money under IC 12-20-24 or if an appeal fails, the board of commissioners **(before January 1, 2013) or the county executive (after December 31, 2012)** may borrow money or otherwise provide the money. **An action taken by a county executive under this subsection after December 31, 2012, is subject to the approval of the county fiscal body.**

(c) If the county commissioners **(before January 1, 2013) or the county executive (after December 31, 2012)** determine to borrow the money or otherwise provide the money **under subsection (b) and (for actions taken under subsection (b) after December 31, 2012) this action is approved by the county fiscal body**, the county fiscal body shall promptly pass necessary ordinances and make the necessary appropriations to enable this to be done, after determining whether to borrow money by any of the following:

(1) A temporary loan against taxes levied and in the process of collection.

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(2) The sale of county township assistance bonds or other county obligations.

(3) Any other lawful method of obtaining money for the payment of township assistance claims.

~~(c)~~ (d) This subsection applies only to a county having a consolidated city. If a township board does not appeal to borrow money under IC 12-20-24 or if an appeal fails, the board of commissioners shall borrow money or otherwise provide the money. The county fiscal body shall promptly pass necessary ordinances and make the necessary appropriations to enable this to be done, after determining whether to borrow money by any of the following methods:

(1) A temporary loan against taxes levied and in the process of collection.

(2) The sale of county township assistance bonds or other county obligations.

(3) Any other lawful method of obtaining money for the payment of township assistance claims.

SECTION 89. IC 12-20-26-1, AS AMENDED BY P.L.73-2005, SECTION 148, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. In a county in which a tax has been levied and raised for the payment of notes and interest on the notes issued by the board of commissioners **(before January 1, 2013) or county executive (after December 31, 2012)** for the purpose of paying township assistance claims against a township, the county auditor shall transfer the balance of money that remains after paying all notes and interest to the county general fund to the credit of the township assistance fund of the township in which the money was raised.

SECTION 90. IC 12-30-1-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 0.5. After December 31, 2012, the county executive of a county that does not have a consolidated city has the powers, duties, and responsibilities under this chapter of the board of county commissioners.**

SECTION 91. IC 12-30-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. **(a)** The board of commissioners of a county **(before January 1, 2013) or the county executive (after December 31, 2012)** may do the following:

(1) Purchase a tract of real property in the name of the county.

(2) Build, establish, and organize a county home for the indigent on the tract of real property.

(3) Employ a humane and responsible individual who resides in

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the county, upon the terms and under the restrictions the board of commissioners considers most advantageous to the interests of the county, to take charge of the county home as superintendent.

(b) After December 31, 2012, the county executive may take an action under subsection (a) only if that action is approved by the county council.

SECTION 92. IC 12-30-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. To raise the amount necessary for the purchase of real property and the erection and furnishing of the buildings for county homes under this chapter, the board of commissioners **(before January 1, 2013) or the county council (after December 31, 2012)** of a county may assess a tax on property liable to be assessed for raising a county revenue. The assessment may not increase the rates at which the property is assessed by the laws existing when the tax is assessed by more than twenty-five percent (25%).

SECTION 93. IC 12-30-2-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 0.5. After December 31, 2012, the county executive of a county that does not have a consolidated city has the powers, duties, and responsibilities under this chapter of the board of county commissioners.**

SECTION 94. IC 12-30-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. **Before January 1, 2013**, a relative of a member of the board of commissioners may not be appointed superintendent or employed in any capacity. **After December 31, 2012, a relative of the county executive or of a member of the county legislative body may not be appointed superintendent or employed in any capacity.** A relative of the superintendent, except the spouse as assistant, may not be employed in any capacity with the home except by the consent of the board of commissioners.

SECTION 95. IC 12-30-3-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 0.5. After December 31, 2012, the county executive of a county that does not have a consolidated city has the powers, duties, and responsibilities under this chapter of the board of county commissioners.**

SECTION 96. IC 12-30-4-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 0.5. After December 31, 2012, the county executive of a county that does not have a consolidated city**

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1 **has the powers, duties, and responsibilities under this chapter of**
 2 **the board of county commissioners.**

3 SECTION 97. IC 12-30-5-2 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. The reimbursement
 5 obtained under section 1 of this chapter shall be collected quarterly by
 6 the superintendent of the county home in which the individual resides
 7 or resided, at a rate of not more than seven dollars (\$7) per week. The
 8 money received shall be paid quarterly into the county general fund.
 9 The superintendent or executive officer may, under the direction of the
 10 board of commissioners **(before January 1, 2013) or county**
 11 **executive (after December 31, 2012)** of the county, bring suit against
 12 the estate of an individual described in section 1 of this chapter failing
 13 to make payment as required in this chapter. If a judgment is obtained
 14 in a suit brought under this section, the judgment constitutes a lien
 15 against the part of the estate that is described in the complaint.

16 SECTION 98. IC 12-30-7-0.5 IS ADDED TO THE INDIANA
 17 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2009]: **Sec. 0.5. After December 31, 2012, the**
 19 **county executive of a county that does not have a consolidated city**
 20 **has the powers, duties, and responsibilities under this chapter of**
 21 **the board of county commissioners.**

22 SECTION 99. IC 13-11-2-74 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 74. "Executive" means
 24 the:

- 25 (1) board of commissioners **(before January 1, 2013) or county**
 26 **executive (after December 31, 2012)** of a county not having a
 27 consolidated city;
- 28 (2) mayor of the consolidated city, for a county having a
 29 consolidated city;
- 30 (3) mayor of a city; or
- 31 (4) president of the town council of a town.

32 SECTION 100. IC 14-21-3-1 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) Before a person
 34 may record any interest in property on which a burial ground or
 35 cemetery is known to be located, the owner of the property must record
 36 the deed to the property in the recorder's office of the county where the
 37 property is located. The bottom portion of the deed must state in capital
 38 letters in bold type that the deed pertains to property on which a burial
 39 ground or cemetery is known to be located.

40 (b) The county auditor shall send a copy of the deed to:

- 41 (1) the department; and
- 42 (2) the local cemetery board, or if no local cemetery board exists,

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1 to the county commissioners **(before January 1, 2013) or county**
 2 **executive (after December 31, 2012);**
 3 not later than thirty (30) days after the deed is recorded under
 4 subsection (a).

5 SECTION 101. IC 14-21-4-4, AS ADDED BY P.L.85-2008,
 6 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2009]: Sec. 4. (a) The commission consists of the following
 8 individuals:

9 (1) One (1) licensed architect with experience in building
 10 preservation.

11 (2) One (1) registered professional engineer with experience in
 12 building preservation.

13 (3) One (1) architectural historian.

14 (4) One (1) county commissioner **(before January 1, 2013) or**
 15 **the county executive (after December 31, 2012).**

16 (5) One (1) representative of a local community foundation.

17 (6) One (1) representative of the Association of Indiana Counties.

18 (7) One (1) representative of the Indiana Association of County
 19 Commissioners **or a successor organization.**

20 (8) One (1) judge of a county, superior, or circuit court.

21 (9) The chief justice of the Indiana supreme court or the chief
 22 justice's designee.

23 (10) The director of the division or the director's designee.

24 (11) The president of the Historic Landmarks Foundation of
 25 Indiana or the president's designee.

26 (12) The director of the office of community and rural affairs or
 27 the director's designee.

28 (b) Members appointed under subsection (a)(1) through (a)(7) shall
 29 be appointed by the governor.

30 (c) The member appointed under subsection (a)(8) shall be
 31 appointed by the chief justice of the supreme court.

32 SECTION 102. IC 14-23-7-2 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. If the governor
 34 receives information from:

35 (1) the director;

36 (2) the county commissioners **(before January 1, 2013) or**
 37 **executive (after December 31, 2012)** of a county; or

38 (3) the executive of a city or town;

39 that because of drought conditions existing in an area the lives of the
 40 people, forests, fields, woodland, livestock, structures, or other property
 41 are endangered by a fire hazard, the governor may, in the interest of
 42 public health, safety, and welfare, after investigation, declare an area

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1 within Indiana as an emergency fire hazard area.

2 SECTION 103. IC 14-26-8-0.5 IS ADDED TO THE INDIANA
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2009]: **Sec. 0.5. After December 31, 2012, the**
5 **county executive of a county that does not have a consolidated city**
6 **has the powers, duties, and responsibilities under this chapter of**
7 **the board of county commissioners.**

8 SECTION 104. IC 14-27-1-0.5 IS ADDED TO THE INDIANA
9 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2009]: **Sec. 0.5. After December 31, 2012, the**
11 **county executive of a county that does not have a consolidated city**
12 **has the powers, duties, and responsibilities under this chapter of**
13 **the board of county commissioners.**

14 SECTION 105. IC 14-27-6-0.5 IS ADDED TO THE INDIANA
15 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2009]: **Sec. 0.5. After December 31, 2012, the**
17 **county executive of a county that does not have a consolidated city**
18 **has the powers, duties, and responsibilities under this chapter of**
19 **the board of county commissioners.**

20 SECTION 106. IC 14-27-8-0.5 IS ADDED TO THE INDIANA
21 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2009]: **Sec. 0.5. After December 31, 2012, the**
23 **county executive of a county that does not have a consolidated city**
24 **has the powers, duties, and responsibilities under this chapter of**
25 **the board of county commissioners.**

26 SECTION 107. IC 14-28-4-4 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. The commission, to
28 be known as the "_____ Flood Plain Commission", consists of
29 three (3) members as follows:

30 (1) One (1) member of the legislative body of the county or
31 municipality to be appointed by the legislative body.

32 (2) Two (2) citizens who reside within the jurisdiction of the
33 legislative body and who do not hold an elective public office to
34 be appointed as follows:

35 (A) The board of commissioners (**before January 1, 2013**) or
36 **county executive (after December 31, 2012)** for a county.

37 (B) The city executive, for a city.

38 (C) The town executive, for a town.

39 SECTION 108. IC 14-29-1-0.5 IS ADDED TO THE INDIANA
40 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
41 [EFFECTIVE JULY 1, 2009]: **Sec. 0.5. After December 31, 2012, the**
42 **county executive of a county that does not have a consolidated city**

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1 **has the powers, duties, and responsibilities under this chapter of**
 2 **the board of county commissioners.**

3 SECTION 109. IC 14-29-7-1 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This chapter applies
 5 only to land in a county whose board of county commissioners **(before**
 6 **January 1, 2013) or county council by ordinance (after December**
 7 **31, 2012)** has elected to participate in a river commission.

8 SECTION 110. IC 14-29-7-4 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. The board of county
 10 commissioners **(before January 1, 2013) or the county council (after**
 11 **December 31, 2012)** of each county containing a river for which a
 12 river commission has been established may elect that the county
 13 participate in the river commission.

14 SECTION 111. IC 14-29-7-5 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. The membership of
 16 a river commission consists of the following:

- 17 (1) The director or the director's designee.
- 18 (2) **For appointments made before January 1, 2013,** two (2)
 19 individuals appointed for terms of four (4) years by the board of
 20 commissioners of each participating county from among owners
 21 of land that is:
 22 (A) within the county; and
 23 (B) contiguous to the river.
- 24 (3) **For appointments made after December 31, 2012:**
 25 (A) **one (1) individual appointed by the county executive of**
 26 **each participating county; and**
 27 (B) **one (1) individual appointed by the county council of**
 28 **each participating county;**
 29 **appointed for terms of four (4) years from among owners of**
 30 **land that is within the county and contiguous to the river.**

31 SECTION 112. IC 14-30-4-8 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. The following serve
 33 as voting members of the commission:

- 34 (1) The three (3) county commissioners from each participating
 35 county **(before January 1, 2013) and (after December 31, 2012)**
 36 **the county executive and two (2) individuals appointed by the**
 37 **county executive.**
- 38 (2) The chairman of a soil and water conservation district for each
 39 participating county that:
 40 (A) is subject to IC 14-32;
 41 (B) includes territory in a participating county; and
 42 (C) includes territory in the basin.

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(3) The county surveyor of each participating county.

SECTION 113. IC 14-33-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) Within twenty (20) days after an order establishing a district, the board of **county** commissioners ~~of the county~~ **(for initial appointments before January 1, 2013) or the county executive and county council (for initial appointments after December 31, 2012)** shall appoint the initial board of directors. A director shall be appointed for each of the areas in the district established by the court.

(b) A director must have the following qualifications:

(1) Be:

(A) a freeholder of the area of the district for which appointed;
or

(B) an officer or a nominee of a corporate freeholder of the area of the district for which appointed.

(2) Be qualified by knowledge and experience in matters pertaining to the development of the district.

(c) A majority of the directors must be:

(1) resident freeholders of the district if available and qualified;
and

(2) petitioners for the establishment of the district. For this purpose an officer or a nominee of a corporate freeholder of the district, if the corporation is a petitioner, is considered a petitioner.

SECTION 114. IC 14-33-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. If a district fails to conduct an election of directors as provided by this chapter, any interested person of the district may petition the board of commissioners **(before January 1, 2013) or the executive (after December 31, 2012)** of the county to appoint a director to fill vacancies. The board of commissioners **(before January 1, 2013) or the executive (after December 31, 2012)** of the county shall make an appointment within fifteen (15) days from the date the petition is filed.

SECTION 115. IC 14-33-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. For the purposes of this chapter, if the district is composed of land from more than one (1) county, the board of commissioners **(before January 1, 2013) or the county executive and county council (after December 31, 2012)** of each county may participate in the following **as otherwise provided in this chapter:**

(1) The appointment of the initial board.

(2) The filling of vacancies on the board.

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SECTION 116. IC 14-33-5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) The board of commissioners of the county **(for initial appointments before January 1, 2013) or the county executive and county council (for initial appointments after December 31, 2012)** shall appoint the initial directors for the following terms:

(1) **The following apply** if there are three (3) or five (5) directors:

(A) The terms are as follows:

~~(A)~~ (i) One (1) term expires at the next annual meeting.

~~(B)~~ (ii) One (1) term expires at the second annual meeting.

~~(C)~~ (iii) One (1) term expires at the third annual meeting.

~~(D)~~ (iv) Any other terms expire at the fourth annual meeting.

(B) For initial appointments after December 31, 2012:

(i) if there are three (3) directors, the county executive shall make one (1) appointment under clause (A)(i) and one (1) appointment under clause (A)(iii), and the county council shall make one (1) appointment under clause (A)(ii); and

(ii) if there are five (5) directors, the county executive shall make one (1) appointment under clause (A)(i), one (1) appointment under clause (A)(iii), and one (1) appointment under clause (A)(iv), and the county council shall make one (1) appointment under clause (A)(ii) and one (1) appointment under clause (A)(iv).

(2) **The following apply** if there are seven (7) or nine (9) directors:

(A) The terms are as follows:

~~(A)~~ (i) Two (2) terms expire at the next annual meeting.

~~(B)~~ (ii) Two (2) terms expire at the second annual meeting.

~~(C)~~ (iii) Two (2) terms expire at the third annual meeting.

~~(D)~~ (iv) All other terms expire at the fourth annual meeting.

(B) For initial appointments after December 31, 2012:

(i) if there are seven (7) directors, the county executive shall make one (1) appointment under clause (A)(i), one (1) appointment under clause (A)(ii), one (1) appointment under clause (A)(iii), and one (1) appointment under clause (A)(iv), and the county council shall make one (1) appointment under clause (A)(i), one (1) appointment under clause (A)(ii), and one (1) appointment under clause (A)(iii); and

(ii) if there are nine (9) directors, the county executive shall make one (1) appointment under clause (A)(i), one

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1 (1) appointment under clause (A)(ii), one (1)
 2 appointment under clause (A)(iii), and two (2)
 3 appointments under clause (A)(iv), and the county
 4 council shall make one (1) appointment under clause
 5 (A)(i), one (1) appointment under clause (A)(ii), one (1)
 6 appointment under clause (A)(iii), and one (1)
 7 appointment under clause (A)(iv).

8 (b) As the terms expire, each new director shall be elected for a term
 9 of four (4) years.

10 SECTION 117. IC 14-33-5.4-3 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) Within twenty
 12 (20) days after the order establishing the district, the board of
 13 commissioners of the county **(for initial appointments before**
 14 **January 1, 2013) or the county executive and county council (for**
 15 **initial appointments after December 31, 2012)** shall appoint the
 16 initial board of directors. A director shall be appointed for each of the
 17 areas in the district as established by the court. A director must be a
 18 freeholder of the area of the district for which appointed or an officer
 19 or nominee of a corporate freeholder of the area of the district for
 20 which appointed and must be qualified by knowledge and experience
 21 in matters pertaining to the development of the district. A majority of
 22 the directors must be resident freeholders of the district if available and
 23 qualified. A majority of the initial directors must be petitioners for the
 24 establishment of the district, but for this purpose an officer or nominee
 25 of a corporate freeholder of the district, if the corporation is one (1) of
 26 the petitioners, is considered a petitioner.

27 (b) When vacancies on the board occur due to expiration of terms,
 28 resignation, or otherwise, directors shall be elected by a majority,
 29 written ballot vote of the freeholders of the district. Between April 24
 30 and May 1, the board shall invite nominations to fill vacancies on the
 31 board by one (1) publication in a newspaper of general circulation in
 32 each of the counties in the district. Each publication must:

- 33 (1) contain the names of the directors whose terms are expiring
- 34 and the area of the district involved;
- 35 (2) invite nominations to fill vacancies; and
- 36 (3) state the qualifications for the office, that are the same as
- 37 prescribed by subsection (a), except a nominee need not have
- 38 been a petitioner for the establishment of the district nor a
- 39 resident of the area of the district for which nominations are
- 40 invited.

41 (c) Nominations for director must be submitted to the office of the
 42 district in writing before June 1 following notice of vacancies and must

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be signed by at least five (5) freeholders from the areas designated by the secretary's notice. Nominations that are mailed are valid if delivered or postmarked before June 1 if the envelope has sufficient U.S. postage and is addressed to the district's office.

(d) The election of directors of a district shall be held the Saturday or Sunday immediately before or after July 4. The board of directors of a district shall establish the date for the election of directors.

(e) Notice of the annual election of directors of the district must be published in one (1) issue of a newspaper of general circulation in each county in the district. The notice must be published:

(1) not less than fourteen (14); and

(2) not more than thirty-one (31);

days before the election. The notice must contain the names of the nominees, the place where ballots can be cast in the election, and the date and time of the election.

(f) Before the election, the board shall prepare the ballots and a list of the freeholders of the district, that must be certified by the county auditor and placed in the district's files. No deficiency in this process or omission of the names of any freeholders voids action taken at an annual meeting.

(g) A freeholder is entitled to only one (1) vote per freeholder.

(h) Before the election of directors, the chairman shall appoint three (3) or, if necessary, more freeholders of the district to act as clerks of the election and to conduct the election.

(i) If a district fails to conduct an election of directors as provided by this chapter, any interested person of the district may petition the board of **county commissioners of the county (before January 1, 2013) or the county council (after December 31, 2012)** to appoint a director to fill vacancies. The board of **county commissioners of the county (before January 1, 2013) or the county council (after December 31, 2012)** shall make its appointment within fifteen (15) days from the date the petition is filed.

SECTION 118. IC 15-12-5-6, AS ADDED BY P.L.2-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. The council may do the following:

(1) Provide technical assistance and information about land use strategies.

(2) Facilitate collaboration among commonly affected state, county, and local government units.

(3) Compile and maintain a land planning information library, both hard copy and electronic, that includes current data on land resources in Indiana.

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(4) Establish or coordinate educational programs for governmental units, nongovernmental entities, and the public with special consideration for local planning commission members, ~~and county commissioners (before January 1, 2013), and county executives (after December 31, 2012).~~

(5) Provide counties and local communities conducting land use planning with access to technical and legal assistance through a referral service.

(6) Provide information to local authorities on model ordinances for programs and techniques on land use.

(7) Obtain grants and assist counties and local communities in locating additional funding sources for planning projects.

(8) Make recommendations to the general assembly and other governmental bodies concerning land resources.

(9) When requested, advise the general assembly on proposals relating to land resources.

SECTION 119. IC 15-14-1-12, AS ADDED BY P.L.86-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) As used in this section, "county executive" means **(before January 1, 2013) the board of commissioners of a county elected under IC 36-2-2-2 or (after December 31, 2012) the county chief executive officer elected under IC 36-2-2.5.**

(b) The county executive may make an allowance out of the general fund of the county to a corporation incorporated under this chapter.

(c) Before an allowance under subsection (b) is made, the president or secretary of the association shall file a sworn statement with the county executive showing the:

- (1) name and date of organization of the association; and
- (2) amount expended for fairgrounds and permanent improvements needed for the fairgrounds and the amount necessary to complete the improvements.

(d) After receiving a sworn statement under subsection (c), the county executive may make an allowance that the county executive considers necessary, but that does not exceed either of the following:

- (1) Ten thousand dollars (\$10,000).
- (2) One-half (1/2) the amount shown by the statement to be expended on the grounds and improvements.

(e) The amount appropriated under this section is a lien on the real and personal property of the association.

(f) Dividends may not be declared or paid to the incorporators or stockholders until the appropriation made by the board is repaid to the county treasurer with interest.

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SECTION 120. IC 15-14-7-1, AS ADDED BY P.L.2-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. As used in this chapter, "executive" means the board of commissioners of a county under IC 36-2-2-2 **before January 1, 2013 or the county executive (as defined in IC 36-1-2-5) after December 31, 2012.**

SECTION 121. IC 15-14-7-2, AS ADDED BY P.L.2-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. Subject to section 3 of this chapter, the executive **(before January 1, 2013) or the county council (after December 31, 2012)** of a county may make an appropriation from the county general fund to a 4-H club that promotes the agricultural and horticultural interests of the county.

SECTION 122. IC 15-14-7-3, AS ADDED BY P.L.86-2008, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The president or secretary of a 4-H club described in section 2 of this chapter may file a petition signed by at least thirty (30) resident freeholders of the county with the county auditor of the county requesting that the executive **(before January 1, 2013) or the county council (after December 31, 2012)** make an appropriation provided for in section 2 of this chapter.

(b) The county auditor shall have the petition, without the signatures, printed in a newspaper of general circulation that is published in the county.

(c) The notice must state the date and time when the petition will be considered by the executive **(before January 1, 2013) or the county council (after December 31, 2012)**. The auditor shall set the date, time, and place at which the petition will be considered, which must be at least thirty (30) days after the publication of the notice.

(d) If not later than the date and time published in the notice for the consideration of the petition by the executive **(before January 1, 2013) or the county council (after December 31, 2012)**, a remonstrance signed by more resident freeholders of the county than the number signing the petition is filed with the county auditor protesting the allowance, the executive **(before January 1, 2013) or the county council (after December 31, 2012)** shall consider the remonstrance. If the executive **(before January 1, 2013) or the county council (after December 31, 2012)** finds that the remonstrance is signed by a greater number of resident freeholders than the petition asking for an allowance, the executive **(before January 1, 2013) or the county council (after December 31, 2012):**

(1) may not make an appropriation for the purposes set forth in

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section 2 of this chapter; and

(2) shall dismiss the petition and take no further action.

(e) After final acceptance by the executive **(before January 1, 2013) or the county council (after December 31, 2012)**, a petition under this section is effective for one (1) to five (5) years, as determined by the executive **(before January 1, 2013) or the county council (after December 31, 2012)**.

SECTION 123. IC 15-14-7-6, AS ADDED BY P.L.2-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) An amount appropriated under section 2 of this chapter is a lien on the real and personal property of the 4-H club.

(b) A dividend may not be declared or paid to the incorporators or stockholders of the 4-H club until the appropriation made by the board **(before January 1, 2013) or the county council (after December 31, 2012)** is repaid with interest to the county treasury.

SECTION 124. IC 15-14-9-1, AS ADDED BY P.L.2-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) The county council and board of county commissioners **(before January 1, 2013) or county council and county executive (after December 31, 2012)** of a county may appropriate and pay to:

(1) an agricultural fair, exhibition, or association; or

(2) an organized county 4-H club in which the residents of the county are interested;

a sum not exceeding four cents (\$0.04) on each one hundred dollars (\$100) valuation of the taxable property of the county, to be paid out of the county general fund.

(b) An appropriation under subsection (a) may be used only for necessary costs and expenses:

(1) incidental to the conduct and carrying out the purposes of organized:

(A) 4-H clubs; and

(B) boys' and girls' club work;

(2) for cash awards on:

(A) agricultural and horticultural products;

(B) livestock; and

(C) boys' and girls' club work; and

(3) for judging products, livestock, and club work described in this subsection.

(c) An appropriation under subsection (a) applies to regularly organized:

(1) fair associations; and

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(2) boys' and girls' clubs, 4-H clubs, or agricultural clubs; if the fair or exhibition is given only for the promotion of the interests of agriculture, horticulture, and stock raising. The appropriation does not apply to a person, an association, or a corporation conducting the fair or exhibition for profit or to street fairs or exhibitions.

(d) An appropriation under subsection (a) may not be used or given for contests of speed.

SECTION 125. IC 15-14-10-1, AS ADDED BY P.L.2-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) This section applies to a county corn growers' association or horticulture society with at least:

- (1) fifty (50) members in the local association or society; and
- (2) ten (10) members in the state association or society.

(b) In a county where an agricultural fair or association:

- (1) does not exist; or
- (2) is not active;

the county council and the board of county commissioners **(before January 1, 2013) or county council and county executive (after December 31, 2012)** may annually appropriate and pay to any county corn growers' association or horticultural society up to two hundred dollars (\$200) to be used in the payment of cash awards.

SECTION 126. IC 15-16-7-4, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) The weed control board consists of the following members to be appointed by the authorizing body:

- (1) One (1) township trustee of the county.
- (2) One (1) soil and water conservation district supervisor.
- (3) One (1) representative from the agricultural community of the county.
- (4) One (1) representative from the county highway department or an appointee of the county commissioners **(before January 1, 2013) or county executive (after December 31, 2012).**
- (5) One (1) cooperative extension service agent from the county to serve in a nonvoting advisory capacity.

(b) Each board member shall be appointed for a term of four (4) years. All vacancies in the membership of the board shall be filled for the unexpired term in the same manner as initial appointments.

(c) The board shall elect a chairperson and a secretary. The members of the board are not entitled to receive any compensation, but are entitled to any traveling and other expenses that are necessary in the discharge of the members' duties.

SECTION 127. IC 15-17-0.5 IS ADDED TO THE INDIANA

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CODE AS A NEW CHAPTER TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2009]:

Chapter 0.5. County Executives in Certain Counties

Sec. 1. After December 31, 2012, the county executive of a county that does not have a consolidated city has the powers, duties, and responsibilities under this article of the board of county commissioners.

SECTION 128. IC 16-23.5-2-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 0.5. After December 31, 2012, the county executive of a county that does not have a consolidated city has the powers, duties, and responsibilities under this chapter of the board of county commissioners.**

SECTION 129. IC 20-23-1-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 0.5. After December 31, 2012, the county executive of a county that does not have a consolidated city has the powers, duties, and responsibilities under this chapter of the board of county commissioners.**

SECTION 130. IC 20-23-2-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 0.5. After December 31, 2012, the county executive of a county that does not have a consolidated city has the powers, duties, and responsibilities under this chapter of the board of county commissioners.**

SECTION 131. IC 20-23-4-28, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 28. (a) Subsections (b) through (g) do not apply to a community school corporation created before March 12, 1965. A community school corporation created before March 12, 1965, shall operate in accordance with the plan under which it was created and the statutes applicable to that plan, as if Acts 1965, c.336, s.4 had not been enacted.

(b) If the members of the governing body are to be appointed, they shall be appointed in accordance with one (1) of the options described in subsection (c). The option must be set out in the plan with sufficient description to permit the plan to be operable with respect to each community school corporation. The description may be partly or wholly by reference to the applicable option provided in this section.

(c) The options described in subsection (b) are the following:

(1) Members of the governing body may reside anywhere in the community school corporation.

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(2) The community school corporation shall be divided into two (2) or more governing body member districts, any one (1) of which may embrace the entire community school corporation. Each member:

- (A) serves from a particular district; and
- (B) must be a resident of the district.

The plan must set out the number to be appointed from each district and may provide for an equal number of members from each district.

(d) The plan, under either option in subsection (c), may provide that the first appointments of the governing body members are for staggered terms of not more than four (4) years. Thereafter, appointments shall be made for terms of four (4) years. All terms of office for appointive governing body members expire June 30 in the applicable year.

(e) A plan providing for the appointment of members of the governing body must designate the appointing authority. The authority may be the same for each governing body member and must be one (1) or more of the following:

- (1) The judge of the circuit or superior court.
- (2) The city executive.
- (3) The legislative body of a city.
- (4) The board of commissioners **(before January 1, 2013) or executive (after December 31, 2012)** of a county.
- (5) The county fiscal body.
- (6) The town legislative body.
- (7) The township executive.
- (8) The township legislative body.
- (9) A township executive and legislative body jointly.
- (10) More than one (1) township executive and legislative body jointly.

(f) If an appointment is to be made by:

- (1) a body, the appointment must be made by a majority vote of the body in official session;
- (2) township executives, the appointment must be made by a majority vote of the executives taken in joint session; and
- (3) township legislative bodies, the appointment must be made by a majority vote of the total number of township legislative body members by a majority vote of the members, taken in joint session.

(g) If a member of the governing body, whether of the interim governing body or regular governing body, is to be appointed, and the beginning of the appointive member's term of office coincides with the

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1 date an individual assumes the office of the official who is to make the
 2 appointment, the appointment shall be made by the latter individual. If
 3 the appointing official or body fails to appoint a member of the first
 4 governing body within five (5) days after a community school
 5 corporation comes into being, or, for members appointed after the first
 6 board is appointed, within five (5) days after a member is to take office,
 7 the member of the governing body shall be appointed:

8 (1) by the judge of the circuit court; or

9 (2) in the case of a united school corporation, by the judge of the
 10 circuit court of the county having the most students enrolled in the
 11 united school corporation.

12 SECTION 132. IC 20-23-7-4, AS ADDED BY P.L.1-2005,
 13 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2009]: Sec. 4. (a) At the first meeting of the board of **county**
 15 **commissioners of the county (before January 1, 2013) or the county**
 16 **council (after December 31, 2012)** after the creation of the
 17 metropolitan school district as provided in this chapter, the board of
 18 commissioners **(before January 1, 2013) or the county council (after**
 19 **December 31, 2012)** shall divide the district into three (3) governing
 20 body districts approximately equal in population. Not more than one
 21 (1) year after the effective date of each United States decennial census,
 22 the board of commissioners **(before January 1, 2013) or the county**
 23 **council (after December 31, 2012)** shall readjust the boundaries of the
 24 districts to equalize the districts by population.

25 (b) Instead of the division provided under subsection (a), any
 26 resolution or petition provided in section 2(a) or 2(b) of this chapter
 27 may:

28 (1) provide that the metropolitan school district to be created shall
 29 be divided into two (2) or more governing body districts;

30 (2) describe the governing body member districts;

31 (3) provide that one (1) or more members of the governing body
 32 must reside within each of the governing body member districts;

33 (4) set out the number of members to serve from each designated
 34 district;

35 (5) provide that the governing body member districts need not be
 36 equal in size or population, and that one (1) board member district
 37 may include all the area in the metropolitan school district;

38 (6) specify that the number of governing body members to be
 39 resident in each district need not be an equal number; and

40 (7) eliminate all requirements that there be governing body
 41 member districts.

42 (c) If the resolution or petition:

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(1) does not provide for governing body member districts and designate the number of governing body members to be resident in each district; or

(2) provides for the elimination of governing body member districts;

subsection (a) controls. If either subsection (a) or (b) applies, candidates shall be voted upon by all the registered voters of the metropolitan school district voting at any governing body member election.

SECTION 133. IC 20-26-7-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 0.5. After December 31, 2012, the county executive of a county that does not have a consolidated city has the powers, duties, and responsibilities under this chapter of the board of county commissioners.**

SECTION 134. IC 20-33-2-32, AS AMENDED BY P.L.1-2007, SECTION 146, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 32. (a) In a county that has not been completely reorganized under IC 20-23-4, the governing body of each school corporation that constitutes a separate attendance district under section 30 of this chapter shall appoint an attendance officer. One (1) additional attendance officer may be appointed for every seven thousand five hundred (7,500) students in ADA in the corporation.

(b) Whenever the governing body of a school corporation makes an appointment under this section, it shall appoint an individual nominated by the superintendent. However, the governing body may decline to appoint any nominee and require another nomination. The salary of each attendance officer appointed under this section shall be fixed by the governing body. In addition to salary, the officer is entitled to receive reimbursement for actual expenses necessary to properly perform the officer's duties. The salary and expenses of an attendance officer appointed under this section shall be paid by the treasurer of the county in which the officer serves, on a warrant signed by the county auditor. The county council shall appropriate, and the board of county commissioners **(before January 1, 2013) or county executive (after December 31, 2012)** shall allow, the funds necessary to make these payments. However, a warrant shall not be issued to an attendance officer until the attendance officer has filed an itemized statement with the county auditor. This statement shall show the time employed and expenses incurred. The superintendent shall approve the statement and certify that it is correct.

SECTION 135. IC 20-39-3-1, AS ADDED BY P.L.2-2006,

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SECTION 162, IS AMENDED TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2009]: Sec. 1. The books, papers, and accounts
 of any township trustee concerning schools are at all times subject to
 the inspection of the school examiner, the county auditor, ~~and~~ the board
 of county commissioners **(before January 1, 2013), and the county
 executive (after December 31, 2012)** of the proper county.

SECTION 136. IC 20-39-3-2, AS ADDED BY P.L.2-2006,
 SECTION 162, IS AMENDED TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2009]: Sec. 2. For purposes of an inspection,
 the school examiner, **the** county auditor, ~~and~~ **the** board of county
 commissioners **(before January 1, 2013), and the county executive
 (after December 31, 2012)** may by subpoena:

(1) summon before them any trustee; and

(2) require the production of books, papers, and accounts;
 after three (3) days notice of the time to appear and produce any books,
 papers, and accounts is given.

SECTION 137. IC 20-39-3-3, AS ADDED BY P.L.2-2006,
 SECTION 162, IS AMENDED TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2009]: Sec. 3. If any books and accounts have
 been imperfectly kept, the board of commissioners **(before January 1,
 2013) or county executive (after December 31, 2012)** may correct
 them. If fraud appears, the board of commissioners **(before January
 1, 2013) or county executive (after December 31, 2012)** shall remove
 the person guilty of the fraud.

SECTION 138. IC 20-39-4-0.5 IS ADDED TO THE INDIANA
 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2009]: **Sec. 0.5. After December 31, 2012, the
 county executive of a county that does not have a consolidated city
 has the powers, duties, and responsibilities under this chapter of
 the board of county commissioners.**

SECTION 139. IC 20-39-4-3, AS ADDED BY P.L.2-2006,
 SECTION 162, IS AMENDED TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2009]: Sec. 3. Before May 1 of each calendar
 year, each county auditor and county treasurer shall prepare a written
 report and present the report to the board of county commissioners at
 the May meeting of the board **(before January 1, 2013) or (after
 December 31, 2012) to the county executive and the county council
 in May of each year.** The report must concern the school funds held
 in trust by the county. The following information must be included
 concerning the county common school fund and the congressional
 township school fund for the previous calendar year:

(1) The amount in each fund.

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(2) Any additions to the funds, including the sources of the additional funds.

(3) The financial condition of the funds, including information concerning the amount safely invested, unsafely invested, and uninvested in the funds, and any loss to the funds.

(4) The amount of interest collected on the funds.

(5) Any amount due and unpaid to the funds.

SECTION 140. IC 20-42-1-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 0.5. After December 31, 2012, the county executive of a county that does not have a consolidated city has the powers, duties, and responsibilities under this chapter of the board of county commissioners.**

SECTION 141. IC 20-42-2-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 0.5. After December 31, 2012, the county executive of a county that does not have a consolidated city has the powers, duties, and responsibilities under this chapter of the board of county commissioners.**

SECTION 142. IC 20-45-8-12, AS ADDED BY P.L.2-2006, SECTION 168, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. As used in this chapter, "tax" means the county supplemental school financing property tax to be levied by the board of county commissioners **(before January 1, 2013) or the county council (after December 31, 2012)** of a qualifying county under this chapter.

SECTION 143. IC 20-45-8-16, AS ADDED BY P.L.2-2006, SECTION 168, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16. (a) The board of county commissioners **(before January 1, 2013) or the county council (after December 31, 2012)** shall levy a county supplemental school financing tax at a rate that is sufficient to annually provide adequate funds to carry out the purposes of this chapter. The various officials and employees of the qualified county and the qualified school corporations charged with the duty of levying, collecting, and receiving other property tax funds for county or school purposes, or both, shall take the appropriate and respective steps as otherwise required by law for the levying, collecting, and receiving of property taxes in order to levy, collect, and receive the tax.

(b) The receipts from the tax shall be credited into the fund and paid from the fund by the county auditor to the qualified school corporations.

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SECTION 144. IC 20-45-8-17, AS ADDED BY P.L.2-2006, SECTION 168, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 17. If the area of a qualified school corporation extends into an adjoining county, the tax rate fixed by the board of county commissioners **(before January 1, 2013) or the county council (after December 31, 2012)** shall control for the levying and assessment of the tax in the area extending into the adjoining county. The board of county commissioners **(before January 1, 2013) or the county council (after December 31, 2012)** and other county officials of the adjoining county shall take all appropriate and necessary action as otherwise required by law for:

(1) the levying, collecting, and receiving of the county supplemental school financing taxes; and

(2) the payment of the taxes into the fund;

for distribution under this chapter.

SECTION 145. IC 20-45-8-22, AS ADDED BY P.L.2-2006, SECTION 168, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 22. (a) The amount to be raised by the tax shall be determined in any calendar year by the county auditor and certified to by the board of county commissioners **(before January 1, 2013) or the county council (after December 31, 2012)** before the time for making the county budgets in the year.

(b) The amount is the total of the entitlements of all qualified school corporations.

(c) The entitlement of each qualified school corporation calculated in a calendar year is an amount equal to the result determined under STEP TWO of the following formula:

STEP ONE: Calculate the quotient of:

(A) the total amount deposited in the fund in calendar year 1979 or the first year in which a deposit was made, whichever is later; divided by

(B) the total ADM of the immediately preceding school year of qualified school corporations that received money from the fund in 1979.

STEP TWO: Calculate the product of:

(A) the STEP ONE result; multiplied by

(B) the ADM of the immediately preceding school year of the qualified school corporation that received money from the fund in 1979.

SECTION 146. IC 20-45-8-24, AS ADDED BY P.L.2-2006, SECTION 168, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 24. (a) The board of county

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commissioners **(before January 1, 2013) or the county council (after December 31, 2012)** shall levy a tax rate on all the real and taxable personal property in the county that is sufficient to raise the total of the entitlements in the same manner as other county property tax rates are levied.

(b) If the board of county commissioners **(before January 1, 2013) or the county council (after December 31, 2012)** fails in any calendar year to levy the tax rate required by this chapter, the department of local government finance shall certify the amount of the tax levy to the county auditor. The certified rate shall be the tax for the calendar year. The tax shall be collected and received by the county treasurer in the same manner as other county property taxes are collected.

SECTION 147. IC 20-49-3-11, AS ADDED BY P.L.2-2006, SECTION 172, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) This section applies to a county that:

- (1) has not elected to surrender custody of any part of the fund to the state; and
- (2) has an insufficient amount of unloaned money in the fund when added to the amount of unloaned money in the congressional township school fund, as shown by a report of the county auditor and county treasurer, to make all loans for which the county auditor has applications.

(b) Upon petition of the board of commissioners of the county **(before January 1, 2013) or county executive (after December 31, 2012)**, the state board of finance may allocate to the county making the application the amount that the state board of finance determines is necessary.

SECTION 148. IC 21-15-6-5, AS ADDED BY P.L.2-2007, SECTION 256, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. The secretary of the board of trustees of Indiana University shall notify the county auditor of a county whenever there are fewer students attending the university than the county is entitled to send free of tuition. Upon receiving the notice, the county auditor shall inform the board of **county commissioners of the county (before January 1, 2013) or county executive (after December 31, 2012)** at the board of commissioners' **or county executive's** next meeting.

SECTION 149. IC 22-9-1-12.1, AS AMENDED BY P.L.2-2007, SECTION 307, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12.1. (a) As used in this section, the term "state agency" means:

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(1) every office, officer, board, commission, department, division, bureau, committee, fund, agency; and

(2) without limitation by reason of any enumeration in this section:

(A) every other instrumentality of the state, every hospital, every penal institution, and every other institutional enterprise and activity of the state, wherever located;

(B) the state educational institutions; and

(C) the judicial department of the state.

"State agency" does not mean counties, county offices of family and children, cities, towns, townships, school corporations (as defined in IC 20-18-2-16), or other municipal corporations, political subdivisions, or units of local government.

(b) Any city, town, or county is hereby authorized to adopt an ordinance or ordinances, which may include establishment or designation of an appropriate local commission, office, or agency to effectuate within its territorial jurisdiction the public policy of the state as declared in section 2 of this chapter without conflict with any of the provisions of this chapter. Any city or town may adopt such an ordinance or ordinances jointly with any other city or town located in the same county or jointly with that county. A city ordinance that establishes a local commission may provide that the members of the commission are to be appointed solely by the city executive or solely by the city legislative body or may provide for a combination of appointments by the city executive and the city legislative body. The board of commissioners **(before January 1, 2013) or the county council (after December 31, 2012)** of each county is also authorized to adopt ordinances in accordance with this section. An agency established or designated under this section has no jurisdiction over the state or any of its agencies.

(c) An ordinance adopted under this section may grant to the local agency the power to:

- (1) investigate, conciliate, and hear complaints;
- (2) subpoena and compel the attendance of witnesses or production of pertinent documents and records;
- (3) administer oaths;
- (4) examine witnesses;
- (5) appoint hearing examiners or panels;
- (6) make findings and recommendations;
- (7) issue cease and desist orders or orders requiring remedial action;
- (8) order payment of actual damages, except that damages to be

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1 paid as a result of discriminatory practices relating to employment
 2 shall be limited to lost wages, salaries, commissions, or fringe
 3 benefits;

4 (9) institute actions for appropriate legal or equitable relief in a
 5 circuit or superior court;

6 (10) employ an executive director and other staff personnel;

7 (11) adopt rules and regulations;

8 (12) initiate complaints, except that no person who initiates a
 9 complaint may participate as a member of the agency in the
 10 hearing or disposition of the complaint; and

11 (13) conduct programs and activities to carry out the public policy
 12 of the state, as provided in section 2 of this chapter, within the
 13 territorial boundaries of a local agency.

14 (d) Any person who files a complaint with any local agency may not
 15 also file a complaint with the civil rights commission concerning any
 16 of the matters alleged in such complaint, and any person who files a
 17 complaint with the civil rights commission may not also file a
 18 complaint with any local agency concerning any of the matters alleged
 19 in such complaint. Any complaint filed with the commission may be
 20 transferred by the commission to any local agency having jurisdiction.
 21 The local agency shall proceed to act on the complaint as if it had been
 22 originally filed with the local agency as of the date that the complaint
 23 was filed with the commission. Any complaint filed with a local agency
 24 may be transferred by the local agency to the commission if the
 25 commission has jurisdiction. The commission shall proceed to act on
 26 the complaint as if it had been originally filed with the commission as
 27 of the date that the complaint was filed with the local agency. Nothing
 28 in this subsection shall affect such person's right to pursue any and all
 29 other rights and remedies available in any other state or federal forum.

30 (e) A decision of the local agency may be appealed under the terms
 31 of IC 4-21.5 the same as if it was a decision of a state agency.

32 SECTION 150. IC 23-10-2-19 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 19. Lands conveyed to
 34 the board of county commissioners **(before January 1, 2013) or**
 35 **county executive (after December 31, 2012)** by deed duly recorded,
 36 for the purpose of a public or private cemetery, shall be held by such
 37 board **(before January 1, 2013) or county executive (after**
 38 **December 31, 2012)** forever in trust for such purpose.

39 SECTION 151. IC 23-14-62-2 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. **(a)** The persons
 41 referred to in section 1 of this chapter may file with the board of
 42 commissioners **(before January 1, 2013) or the executive (after**

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December 31, 2012) of the county in which the cemetery is located a petition asking for the conveyance of the cemetery to the corporation.

(b) In the case of a petition filed after December 31, 2012, the board of commissioners (before January 1, 2013) or the county executive (after December 31, 2012) shall forward the petition and a recommendation concerning the petition to the county council.

SECTION 152. IC 23-14-62-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. **(a) This subsection applies to any petition filed with a board of commissioners under section 2 of this chapter before January 1, 2013.** The board of commissioners presented with a petition under section 2 of this chapter, if satisfied:

- (1) as to the propriety of granting the request;
- (2) as to the sufficiency of the surety;
- (3) as to the good faith of the petitioners; and
- (4) that a majority of the heads of families of the county are taking part;

may convey the cemetery to the cemetery corporation.

(b) This subsection applies to any petition filed with a county executive under section 2 of this chapter after December 31, 2012, and forwarded to the county council. After considering the recommendation of the county executive, the county council, if satisfied:

- (1) as to the propriety of granting the request;
- (2) as to the sufficiency of the surety;
- (3) as to the good faith of the petitioners; and
- (4) that a majority of the heads of families of the county are taking part;

may adopt a resolution requiring the county executive officer to convey the cemetery to the cemetery corporation. If the county council adopts a resolution under this subsection, the county executive shall convey the cemetery to the cemetery corporation as specified in the resolution.

SECTION 153. IC 23-14-67-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 0.5. After December 31, 2012, the county executive of a county that does not have a consolidated city has the powers, duties, and responsibilities under this chapter of the board of county commissioners.**

SECTION 154. IC 23-14-70-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 0.5. After December 31, 2012, the**

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1 **county executive of a county that does not have a consolidated city**
 2 **has the powers, duties, and responsibilities under this chapter of**
 3 **the board of county commissioners.**

4 SECTION 155. IC 24-6-2-1 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. The several boards
 6 of county commissioners **(before January 1, 2013) or county**
 7 **executives (after December 31, 2012)** within this state be, and they
 8 are hereby authorized and required to procure for their respective
 9 counties, and at the expense of the same, a set of the following
 10 measures and weights for the use of their county: that is; one (1)
 11 measure of one (1) foot or twelve (12) inches, English measure,
 12 so-called; also one (1) measure of three (3) feet, or thirty-six (36)
 13 inches, as aforesaid; also, one half (1/2) bushel measure for dry
 14 measure, which shall contain one thousand ~~and seventy-five~~
 15 **seventy-five** and one-fifth (1,075 1/5) solid inches; also one (1) gallon
 16 measure, which shall contain two hundred and thirty-one (231) solid
 17 inches; which measures are to be of wood or of any metal the court may
 18 think proper; also, one (1) set of weights commonly called avoirdupois
 19 weights; and sealed with the name or initial letters of the county
 20 inscribed thereon; and shall be kept by the county auditor of each and
 21 every county in this state, for the purpose of trying and sealing the
 22 weights and measures used in their counties.

23 SECTION 156. IC 24-6-3-0.5 IS ADDED TO THE INDIANA
 24 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2009]: **Sec. 0.5. After December 31, 2012, the**
 26 **county executive of a county that does not have a consolidated city**
 27 **has the powers, duties, and responsibilities under this chapter of**
 28 **the board of county commissioners.**

29 SECTION 157. IC 24-9-9-3 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. On or before June 20
 31 and December 20 of each year, ~~after completing an audit of the county~~
 32 ~~treasurer's monthly reports required by IC 36-2-10-16~~, the county
 33 auditor shall distribute to the auditor of state two dollars and fifty cents
 34 (\$2.50) of the mortgage recording fee collected under
 35 IC 36-2-7-10(b)(11) for each mortgage recorded by the county
 36 recorder. The auditor of state shall deposit the money in the state
 37 general fund to be distributed as described in section 4 of this chapter.

38 SECTION 158. IC 25-28-1-0.5 IS ADDED TO THE INDIANA
 39 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2009]: **Sec. 0.5. After December 31, 2012, the**
 41 **county executive of a county that does not have a consolidated city**
 42 **has the powers, duties, and responsibilities under this chapter of**

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1 the board of county commissioners.

2 SECTION 159. IC 30-3-4-0.5 IS ADDED TO THE INDIANA
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2009]: **Sec. 0.5. After December 31, 2012, the**
5 **county executive of a county that does not have a consolidated city**
6 **has the powers, duties, and responsibilities under this chapter of**
7 **the board of county commissioners.**

8 SECTION 160. IC 32-26-1-0.5 IS ADDED TO THE INDIANA
9 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2009]: **Sec. 0.5. After December 31, 2012, the**
11 **county executive of a county that does not have a consolidated city**
12 **has the powers, duties, and responsibilities under this chapter of**
13 **the board of county commissioners.**

14 SECTION 161. IC 32-26-2-2 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) This subsection
16 applies in a township for which ~~the board of county commissioners a~~
17 **county ordinance** has ~~been~~ adopted ~~an ordinance~~ that allows domestic
18 animals to run at large in unenclosed public areas. If a domestic animal
19 breaks into an enclosure or enters upon the property of another person
20 that is enclosed by a lawful fence, the person injured by the actions of
21 the domestic animal may recover the amount of damage done.

22 (b) This subsection applies in a township for which ~~the board of~~
23 ~~county commissioners a~~ **county ordinance** has not ~~been~~ adopted ~~an~~
24 ~~ordinance~~ that allows domestic animals to run at large in unenclosed
25 public areas. If a domestic animal breaks into an enclosure or enters
26 upon the property of another person, it is not necessary for the person
27 injured by the actions of the domestic animal to allege or prove the
28 existence of a lawful fence to recover for the damage done.

29 SECTION 162. IC 32-26-6-0.5 IS ADDED TO THE INDIANA
30 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 2009]: **Sec. 0.5. After December 31, 2012, the**
32 **county executive of a county that does not have a consolidated city**
33 **has the powers, duties, and responsibilities under this chapter of**
34 **the board of county commissioners.**

35 SECTION 163. IC 32-26-7-1 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. If petitioned by at
37 least twenty (20) property owners in the county, the board of county
38 commissioners (**before January 1, 2013**) or **county executive (after**
39 **December 31, 2012)** shall furnish a blank book to the recorder of the
40 county, paid for out of the county fund, in which the county recorder
41 shall keep a record of marks of rails and plank fencing that are adopted
42 by the property owners of the county.

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SECTION 164. IC 33-23-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. The commission on courts is composed of the following thirteen (13) members:

(1) The chief justice of the supreme court or a representative designated by the chief justice.

(2) Four (4) members from the house of representatives, appointed by the speaker of the house of representatives, not more than two (2) of whom are from the same political party.

(3) Four (4) members from the senate, appointed by the president pro tempore of the senate, not more than two (2) of whom are from the same political party.

(4) Two (2) members, not more than one (1) of whom is from the same political party, appointed by the president pro tempore of the senate as follows:

(A) One (1) member must be a sitting judge.

(B) One (1) member must be a county commissioner **(before January 1, 2013) or county executive (after December 31, 2012).**

(5) Two (2) members, not more than one (1) of whom is from the same political party, appointed by the speaker of the house of representatives as follows:

(A) One (1) member must be a member of a county council.

(B) One (1) member must be a circuit court clerk.

SECTION 165. IC 33-24-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. Any judge transferred to a court in another county shall be paid travel and other necessary expenses by the county to which the judge is transferred. An allowance for expenses shall be certified by the chief justice in duplicate to the auditor of the county. The certificate of allowance is prima facie evidence of the correctness of the claims. An item of expenses certified to be correct must be allowed by the board of commissioners of that county **(before January 1, 2013) or county executive (after December 31, 2012).**

SECTION 166. IC 33-28-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. If, at any time both the sheriff and the coroner are unable to attend, or if the sheriff and coroner are both incapacitated from serving, the board of county commissioners **(before January 1, 2013) or county executive (after December 31, 2012)** may appoint an elisor to serve during the pendency of the matter in which the sheriff and coroner are disabled from serving.

SECTION 167. IC 33-30-7-1 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) The board of
 2 county commissioners **(before January 1, 2013) or county executive**
 3 **(after December 31, 2012)** of each county shall provide a suitable
 4 place for the holding of court for each judge of the county court sitting
 5 in the board's **or executive's** county. The county may rent suitable
 6 facilities from other governmental units.

7 (b) A judge may conduct hearings and hold court in cities or towns
 8 outside the place provided by the board of county commissioners
 9 **(before January 1, 2013) or county executive (after December 31,**
 10 **2012)** if the judge considers it necessary for the convenience of the
 11 citizens of the district.

12 (c) Each judge of the county court shall provide by rule for an
 13 evening session to be held one (1) time each week in each county
 14 served by the court. Additional sessions in the evening and on holidays
 15 shall be held as necessary to ensure the just, speedy, and inexpensive
 16 determination of every action.

17 SECTION 168. IC 33-31-1-6 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. The probate court
 19 shall hold sessions at the courthouse of the county, or at any other
 20 convenient place as the court designates in the county. The county
 21 commissioners **(before January 1, 2013) or county executive (after**
 22 **December 31, 2012)** shall provide suitable quarters for the sessions.

23 SECTION 169. IC 33-31-1-13 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. (a) When a person
 25 is appointed judge pro tem under this chapter, the appointee is entitled
 26 to ten dollars (\$10) for each day the appointee serves as the judge to be
 27 paid:

- 28 (1) out of the county treasury of the county where the probate
- 29 court is held;
- 30 (2) upon the warrant of the county auditor; and
- 31 (3) based upon the filing of a claim approved by the judge of the
- 32 court.

33 (b) Any amount more than five hundred dollars (\$500) allowed to
 34 a judge pro tem during any year shall be deducted by the board of
 35 county commissioners **(before January 1, 2013) or county executive**
 36 **(after December 31, 2012)** from the regular annual salary of the judge
 37 of the probate court making the appointment unless the judge pro tem
 38 is appointed on account of change of venue, relationship, interest as
 39 former counsel, or absence of judge in case of serious sickness of the
 40 judge or a family member of the judge.

41 SECTION 170. IC 33-32-2-4 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) The board of

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1 county commissioners **(before January 1, 2013) or county executive**
 2 **(after December 31, 2012)** shall provide the clerk with an office at the
 3 county seat in a building provided for that purpose.

4 (b) The clerk shall keep the office open on every day of the year
 5 except on Sundays and legal holidays. However, the clerk:

6 (1) shall keep the office of the clerk open on those days and times
 7 necessary for the proper administration of the election statutes;
 8 and

9 (2) may close the office on those days that the judge of the circuit
 10 court orders the court closed in accordance with the custom and
 11 practice of the county.

12 (c) Any legal action required to be taken in the office of the clerk
 13 during the time the office is closed under this section may be taken on
 14 the next following day the office is open.

15 SECTION 171. IC 33-32-3-6 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) Before the
 17 twenty-fifth day of each month, the clerk shall prepare a report showing
 18 as of the close of business on the last day of the preceding month the
 19 following information:

20 (1) The balance, if any, of fees payable to the county.

21 (2) Fees collected for fish and game licenses.

22 (3) Trust funds held, including payments collected for support.

23 (4) The total of the balances of all fees and funds.

24 (5) The record balance of money in each depository at the end of
 25 the month.

26 (6) The cash in the office at the close of the last day of the month.

27 (7) Any other items for which the clerk of the circuit court is
 28 entitled to credit.

29 (8) The total amount of cash in each depository at the close of
 30 business on the last day of the month.

31 (9) The total of checks issued against each depository that are
 32 outstanding at the end of the month and unpaid by the
 33 depositories.

34 (b) The clerk shall:

35 (1) retain one (1) copy as a public record of the clerk's office; and

36 (2) file three (3) copies **(before January 1, 2013) or four (4)**
 37 **copies (after December 31, 2012)** with the county auditor, who
 38 shall:

39 (A) present:

40 (i) one (1) copy to the board of commissioners of the county
 41 at its next regular meeting **(for copies presented before**
 42 **January 1, 2013); and**

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(ii) **one (1) copy to the chief executive officer of the county and one (1) copy to the county council at its next regular meeting (for copies presented after December 31, 2012); and**

(B) transmit one (1) copy to the state board of accounts.

Each copy of the report must be verified by the certification of the clerk. The clerk shall file the original with the county auditor, who shall file it with the records of the county board of finance.

(c) The state board of accounts shall prescribe forms for the clerk's monthly reports.

SECTION 172. IC 33-33-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 0.5. County Executives in Certain Counties

Sec. 1. After December 31, 2012, the county executive of a county that does not have a consolidated city has the powers, duties, and responsibilities under this article of the board of county commissioners.

SECTION 173. IC 33-33-45-28, AS AMENDED BY P.L.2-2007, SECTION 368, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 28. (a) The judicial nominating commission (referred to in this chapter as the commission) consists of nine (9) members, the majority of whom form a quorum. The chief justice of the supreme court (or a justice of the supreme court or judge of the court of appeals designated by the chief justice) shall be a member and shall act as chairman.

(b) Under sections 30 and 31 of this chapter, those admitted to the practice of law and residing in Lake County shall elect four (4) of their members to serve on the commission, subject to the following:

(1) At least one (1) attorney member must be a minority individual (as defined in IC 21-13-1-6).

(2) Two (2) attorney members must be women.

(3) Two (2) attorney members must be men.

(c) The Lake County board of commissioners **(before January 1, 2013) or county executive (after December 31, 2012)** shall appoint four (4) nonattorney citizens to the commission, subject to the following:

(1) Each of the three (3) county commissioners shall appoint one (1) nonattorney member who is a resident of the appointing commissioner's district. **This subdivision expires December 31, 2012.**

(2) After each county commissioner has had the opportunity to

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1 make the county commissioner's appointment, the fourth
 2 nonattorney member must be appointed by a majority vote of the
 3 Lake County board of commissioners. **This subdivision expires**
 4 **December 31, 2012.**

5 (3) At least one (1) nonattorney member must be a minority
 6 individual (as defined in IC 21-13-1-6).

7 (4) Two (2) nonattorney members must be women.

8 (5) Two (2) nonattorney members must be men.

9 (6) Not more than two (2) of such appointees may be from the
 10 same political party.

11 The appointees must reflect the composition of the community. If the
 12 Lake County board of commissioners **(before January 1, 2013) or**
 13 **county executive (after December 31, 2012)** fails to appoint any of
 14 the nonattorney commission members within the time required to do so
 15 in section 29 of this chapter, the appointment shall be made by the
 16 chief justice of the supreme court.

17 (d) A member of the commission, other than a judge or justice, may
 18 not hold any other elected public office. A member may not hold an
 19 office in a political party or organization. A nonattorney member of the
 20 commission may not hold an elected or salaried public office. A
 21 nonattorney member may not be an employee of the state or of a
 22 political subdivision of the state.

23 (e) A member of the commission is not eligible for appointment to
 24 a judicial office in Lake County if the member is a member of the
 25 commission and for three (3) years thereafter.

26 (f) If any member of the commission, other than a judge or justice,
 27 terminates the member's residence in Lake County, the member is
 28 considered to have resigned from the commission.

29 SECTION 174. IC 33-33-45-29 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 29. (a) The Lake
 31 County board of commissioners **(before January 1, 2013) or county**
 32 **executive (after December 31, 2012)** shall appoint the four (4)
 33 nonattorney members of the commission.

34 (b) One (1) month before the expiration of a term of office of a
 35 nonattorney commissioner, an appointment or reappointment shall be
 36 made in accordance with section 28 of this chapter. All appointments
 37 made by the Lake County board of commissioners **(before January 1,**
 38 **2013) or county executive (after December 31, 2012)** shall be
 39 certified to the secretary of state, the clerk of the supreme court, and the
 40 clerk of Lake circuit court within ten (10) days after the appointment.

41 (c) Each nonattorney member shall be appointed for a term of four
 42 (4) years.

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(d) Whenever a vacancy occurs in the office of a nonattorney commissioner, the chairman of the commission shall promptly notify the Lake County board of commissioners **(before January 1, 2013) or county executive (after December 31, 2012)** in writing of such fact. Vacancies in the office of nonattorney commissioners shall be filled by appointment of the Lake County board of commissioners **(before January 1, 2013) or county executive (after December 31, 2012)** within sixty (60) days after notice of the vacancy is received. The term of the nonattorney commissioner appointed is for the unexpired term of the member whose vacancy the new member has filled.

SECTION 175. IC 33-33-71-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 31. (a) The appointment to membership on the commission of the nonattorney members shall be made by a selection committee consisting of the judge of the St. Joseph circuit court, the president of the board of St. Joseph County commissioners **(before January 1, 2013) or the county executive (after December 31, 2012)**, and mayors in each of the two (2) cities having the largest populations in St. Joseph County. These appointments shall be made by a majority vote of the selection committee. If a vacancy occurs on the commission among the nonattorney members, that fact shall be reported to the judge of the St. Joseph circuit court by the commission. Upon notification, the judge of the St. Joseph circuit court shall call into session the selection committee, which shall, by majority vote, select a person or persons not admitted to the practice of law, who shall serve the unexpired term of the vacant commission membership position and that this selection and appointment by the selection committee shall be made within sixty (60) days after the date the St. Joseph circuit court is notified of the creation of the vacancy. If the selection committee fails to act to fill an unexpired term of a nonattorney member of the commission within sixty (60) days after the notification that the vacancy exists, the vacancy shall be filled by a majority vote of the remaining members of the commission.

(b) Not less than sixty (60) days before the expiration of the term of a nonattorney member of the commission, the judge of the St. Joseph circuit court shall call into session the selection committee that shall appoint, by a majority vote, a person to the commission to serve a new term. If the selection committee fails to act to fill an expired term of a nonattorney member of the commission by the date of expiration of the term of a nonattorney member of the commission, the remaining members on the commission shall, by majority vote, appoint a person to serve for the succeeding term. All appointments made to the

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1 commission shall be certified within ten (10) days to the clerk of the St.
2 Joseph superior court.

3 (c) Each appointee of a nonattorney member to the commission,
4 except those who fill a vacancy, shall serve for four (4) years.

5 SECTION 176. IC 33-39-6-1 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) Prosecuting
7 attorneys and deputy prosecuting attorneys are entitled to receive the
8 compensation provided in this chapter. The minimum compensation of
9 the prosecuting attorneys shall be paid in the manner prescribed in
10 section 5 of this chapter. The compensation of the deputy prosecuting
11 attorneys shall be paid in the manner prescribed in section 2 of this
12 chapter.

13 (b) Upon the allowance of an itemized and verified claim by the
14 board of county commissioners **(before January 1, 2013) or county**
15 **executive (after December 31, 2012)**, the auditor of the county shall
16 issue a warrant to a prosecuting attorney or deputy prosecuting attorney
17 who filed the claim to pay any part of the compensation of a
18 prosecuting attorney or a deputy prosecuting attorney that exceeds the
19 amount that the state is to pay.

20 (c) A deputy prosecuting attorney who knowingly divides
21 compensation with the prosecuting attorney or any other officer or
22 person in connection with employment commits a Class B
23 misdemeanor.

24 (d) A prosecuting attorney or any other officer or person who
25 knowingly accepts any division of compensation described in
26 subsection (c) commits a Class B misdemeanor.

27 (e) The attorney general shall call at least one (1) and not more than
28 two (2) conferences of the prosecuting attorneys, each year, to consider,
29 discuss, and develop coordinated plans for the enforcement of the laws
30 of Indiana. The date or dates upon which the conferences are held shall
31 be fixed by the attorney general. The expenses necessarily incurred by
32 a prosecuting attorney in attending a conference, including the actual
33 expense of transportation to and from the place where the conference
34 is held, together with meals and lodging, shall be paid from the general
35 fund of the county upon the presentation of an itemized and verified
36 claim, filed as required by law, and by warrant issued by the county
37 auditor. If there is more than one (1) county in any judicial circuit, the
38 expenses of the prosecuting attorneys incurred by virtue of this
39 subsection shall be paid from the general fund of the respective
40 counties constituting the circuit in the same proportion that the
41 classification factor of each county bears to the classification factor of
42 the judicial circuit as determined according to law by the state board of

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SECTION 177. IC 33-39-6-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) The compensation provided in this chapter for prosecuting attorneys and their deputies is in full for all services required by law. Prosecuting attorneys shall appear in all courts and in all cases where the law provides that they shall appear.

(b) Prosecuting attorneys, deputy prosecuting attorneys, and investigators are entitled to a sum for mileage for the miles necessarily traveled in the discharge of their duties. The sum for mileage provided by this subsection must:

(1) equal the sum per mile paid to state officers and employees, with the rate changing each time the state government changes its rate per mile;

(2) be allowed by the board of county commissioners **(before January 1, 2013) or county executive (after December 31, 2012)** on a claim duly filed monthly by the prosecutor, deputy prosecuting attorneys, and investigators itemizing the specific mileage traveled; and

(3) be paid by the county in which the duty arose that necessitated the travel.

(c) This chapter does not prohibit the payment of other expenses as may be allowed by law.

(d) If a board of county commissioners **(before January 1, 2013) or county executive (after December 31, 2012)** does not furnish the prosecuting attorney with office space, the county council shall appropriate a reasonable amount of money per year to the prosecuting attorney for office space.

SECTION 178. IC 34-17-2-1, AS AMENDED BY P.L.146-2008, SECTION 678, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) An information described in IC 34-17-1-1 may be filed:

(1) by the prosecuting attorney in the circuit court of the proper county, upon the prosecuting attorney's own relation, whenever the prosecuting attorney:

(A) determines it to be the prosecuting attorney's duty to do so; or

(B) is directed by the court or other competent authority; or

(2) by any other person on the person's own relation, whenever the person claims an interest in the office, franchise, or corporation that is the subject of the information.

(b) The prosecuting attorney shall file an information in the circuit

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1 court of the county against the county assessor or a township assessor
2 under IC 34-17-1-1(2) if:

3 (1) the board of county commissioners **(for ordinances adopted**
4 **before January 1, 2013) or the county council (for ordinances**
5 **adopted after December 31, 2012)** adopts an ordinance under
6 IC 6-1.1-4-31(f); or

7 (2) the city-county council adopts an ordinance under
8 IC 6-1.1-4-31(g).

9 SECTION 179. IC 34-30-10-1 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This chapter applies
11 to a county auditor who issues a warrant upon the county treasurer in
12 good faith under the order or authority of the board of commissioners
13 **(before January 1, 2013) or executive (after December 31, 2012)** of
14 the county, or because of a judgment or order of a court in the county
15 in a case in which the county was a party and was duly served with
16 process.

17 SECTION 180. IC 34-30-10-2 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) A civil suit may
19 not be maintained against:

20 (1) the county auditor; or

21 (2) the county auditor's bondsmen;

22 for the issuance of the warrant, even if the warrant was drawn
23 according to an order of the board of commissioners **(before January**
24 **1, 2013) or county executive (after December 31, 2012) or a**
25 judgment of the court that is either void or voidable.

26 (b) However, the validation of the act of the auditor does not prevent
27 the recovery of any money from any person receiving it that might have
28 been recovered if this chapter had not been enacted.

29 SECTION 181. IC 34-35-5-4 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) Expenses shall
31 be audited and allowed by the court to which the cause is venued. The
32 allowance shall be certified by the court in duplicate to the auditor of
33 the county, who shall:

34 (1) retain one (1) of the certificates of allowance in the auditor's
35 office; and

36 (2) mail by certified mail the duplicate certificate of allowance to
37 the auditor of the county in which the cause originated and from
38 which such expenses are due.

39 (b) The auditor of the county in which the cause originated shall
40 enter the duplicate certificate of allowance as a claim against the
41 county in which the cause originated on the claim docket of the
42 auditor's office for allowance by the board of county commissioners

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(before January 1, 2013) or county executive (after December 31, 2012) of the county at their next regular or special session. The certificate of allowance shall be allowed by the board of county commissioners or county executive unless it is contested and proved incorrect as provided in this chapter.

SECTION 182. IC 34-56-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This chapter applies to all cases in which:

(1) an appeal is taken from:

(A) a board of county commissioners in a county not having a consolidated city (before January 1, 2013), county executive (after December 31, 2012), board of county commissioners in a county having a consolidated city, viewers, or commissioners to assess damages; or

(B) any other person or tribunal;

to the circuit court; and

(2) the appeal bond filed in the case is defective:

(A) in substance or form; or

(B) for want of proper approval.

SECTION 183. IC 36-1-2-4, AS AMENDED BY P.L.186-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. "Clerk" means:

(1) clerk of the circuit court, for a county;

(2) county auditor, for a board of county commissioners in a county not having a consolidated city (before January 1, 2013), county executive (after December 31, 2012), board of county commissioners in a county having a consolidated city, or county council;

(3) clerk of the city-county council, for a consolidated city;

(4) city clerk, for a second class city;

(5) clerk-treasurer, for a third class city;

(6) clerk-treasurer, for a town; or

(7) chief executive officer of a political subdivision not described in subdivisions (1) through (6).

SECTION 184. IC 36-1-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. "Executive" means:

(1) the board of commissioners (before January 1, 2013) or (after December 31, 2012) the county chief executive officer elected under IC 3-10-2-13, for a county not having a consolidated city;

(2) the mayor of the consolidated city, for a county having a consolidated city;

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- (3) **the** mayor, for a city;
- (4) **the** president of the town council, for a town;
- (5) **a** trustee, for a township;
- (6) **the** superintendent, for a school corporation; or
- (7) **the** chief executive officer, for any other political subdivision.

SECTION 185. IC 36-1-2-9, AS AMENDED BY P.L.186-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. "Legislative body" means: ~~the~~

- (1) **before January 1, 2013, the** board of county commissioners, for a county not subject to IC 36-2-3.5 or IC 36-3-1;
- (2) **the** county council, for a county subject to IC 36-2-3.5 **(before January 1, 2013) or for a county subject to IC 36-2-3.7 (after December 31, 2012);**
- (3) **the** city-county council, for a consolidated city or county having a consolidated city;
- (4) **the** common council, for a city other than a consolidated city;
- (5) **the** town council, for a town;
- (6) **the** township board, for a township;
- (7) **the** governing body of any other political subdivision that has a governing body; or
- (8) **the** chief executive officer of any other political subdivision that does not have a governing body.

SECTION 186. IC 36-1-2-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 24. "Works board" means:

- (1) board of commissioners **(before January 1, 2013) or county council (after December 31, 2012)**, for a county not having a consolidated city;
- (2) board of public works or board of public works and safety, for a city; or
- (3) town council, for a town.

SECTION 187. IC 36-1-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) If there is a constitutional or statutory provision requiring a specific manner for exercising a power, a unit wanting to exercise the power must do so in that manner.

(b) If there is no constitutional or statutory provision requiring a specific manner for exercising a power, a unit wanting to exercise the power must either:

- (1) if the unit is a county or municipality, adopt an ordinance prescribing a specific manner for exercising the power;
- (2) if the unit is a township, adopt a resolution prescribing a

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specific manner for exercising the power; or
 (3) comply with a statutory provision permitting a specific manner
 for exercising the power.

(c) An ordinance under subsection (b)(1) must be adopted as follows:

(1) In a municipality, by the legislative body of the municipality.

(2) In a county subject to IC 36-2-3.5 **(before January 1, 2013)** or IC 36-3-1, by the legislative body of the county.

(3) In any other county, by the executive of the county **(for ordinances adopted before January 1, 2013) or by the legislative body of the county (for ordinances adopted after December 31, 2012).**

(d) A resolution under subsection (b)(2) must be adopted by the legislative body of the township.

SECTION 188. IC 36-1-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. Before it takes effect, an agreement under section 3 of this chapter must be recorded with the county recorder. ~~Not later than sixty (60) days after it takes effect, such an agreement must be filed with the state board of accounts for audit purposes.~~

SECTION 189. IC 36-1.5-2-3, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. "Plan of reorganization" refers to a plan of reorganization approved **under this article** by:

(1) the legislative body of each reorganizing political subdivision, ~~under this article;~~ **in the case of a reorganization initiated by a legislative body under IC 36-1.5-4-10; or**

(2) **a reorganization committee, in the case of a reorganization initiated by the voters of a political subdivision under IC 36-1.5-4-11.**

SECTION 190. IC 36-1.5-4-11, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) The voters of a political subdivision may initiate a proposed reorganization by filing a written petition, substantially in the form prescribed by the department, with the clerk of the political subdivision that:

(1) proposes a reorganization; and

(2) names the political subdivisions that would be reorganized in the proposed reorganization.

(b) If the written petition is signed by at least five percent (5%) of the voters of the political subdivision, as determined by the vote cast in the political subdivision for secretary of state at the most recent

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general election, the clerk of the political subdivision shall certify the petition to:

- (1) the legislative body of the political subdivision;
- (2) the clerk of each of the other political subdivisions named in the petition; and**
- (3) the circuit court clerk of the county in which the most populous political subdivision named in the petition is located.**

SECTION 191. IC 36-1.5-4-13, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. (a) The legislative body of a political subdivision that receives a certified resolution under section 10 ~~or 12~~ of this chapter may do any of the following:

- (1) Adopt a resolution declining to participate in a proposed reorganization.
- (2) Adopt a substantially identical resolution proposing to participate in a proposed reorganization with the political subdivisions named in a resolution certified to the political subdivision.
- (3) Adopt a resolution proposing to participate in a proposed reorganization with political subdivisions that differ in part or in whole from the political subdivisions named in a resolution certified to the political subdivision.

(b) In the case of a resolution adopted under this section proposing to participate in a proposed reorganization described in section 1(a)(9) of this chapter, the resolution must also state whether the vote on the public question regarding the reorganization shall be:

- (1) conducted on a countywide basis under section 30(b) of this chapter, without a rejection threshold; or
- (2) conducted on a countywide basis under section 30(b) of this chapter, with a rejection threshold.

(c) The clerk of the political subdivision adopting a resolution proposing a reorganization under this section shall certify the resolution to the clerk of each political subdivision named in the resolution.

SECTION 192. IC 36-1.5-4-14, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. The legislative body of a political subdivision may revise a resolution certified under section 10 ~~12~~; or 13 of this chapter by adding or deleting proposed parties to the reorganization until all of the political subdivisions named in the resolution have adopted substantially identical reorganization resolutions.

SECTION 193. IC 36-1.5-4-15, AS ADDED BY P.L.186-2006,

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SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. Not later than:

(1) thirty (30) days after the clerk of the last political subdivision to adopt a reorganization resolution under this chapter has certified the substantially identical resolution to all of the political subdivisions named in the resolution, **in the case of a reorganization initiated by a legislative body under section 10 of this chapter; or**

(2) **thirty (30) days after the petition under section 11 of this chapter is certified, in the case of a reorganization initiated by the voters of a political subdivision under section 11 of this chapter;**

the reorganizing political subdivisions **circuit court clerk of the county in which the most populous political subdivision named in the reorganization resolution or petition is located** shall appoint ~~the~~ **number of** individuals as specified in section 16 of this chapter to serve on a reorganization committee to develop a plan of reorganization for the reorganizing political subdivisions.

SECTION 194. IC 36-1.5-4-16, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16. (a) ~~Members shall be appointed to a reorganization committee as follows:~~

(1) ~~In accordance with an agreement adopted by the reorganizing political subdivisions: An agreement under this subdivision must provide that not more than a simple majority of the members appointed by each political subdivision may be members of the same political party.~~

(2) ~~If an agreement does not provide for the membership of a reorganization committee under this chapter; The clerk of the circuit court described in section 15 of this chapter shall appoint to a reorganization committee three (3) members shall be appointed by the executive residents of each political subdivision participating in the reorganization. Not more than two (2) of the members appointed by an executive as residents of a particular political subdivision may be members of the same political party.~~

(b) The members of a reorganization committee serve at the pleasure of the ~~appointing authority: clerk of the circuit court.~~ The reorganization committee shall select a chairperson and any other officers that the reorganization committee determines necessary from the members of the reorganization committee.

(c) The members of a reorganization committee serve without

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1 compensation. The members, however, are entitled to reimbursement
 2 from the reorganizing political subdivisions for the necessary expenses
 3 incurred in the performance of their duties.

4 (d) The reorganizing political subdivisions shall provide necessary
 5 office space, supplies, and staff to the reorganization committee. The
 6 reorganizing political subdivisions may employ attorneys, accountants,
 7 consultants, and other professionals for the reorganization committee.

8 (e) Except as otherwise provided in an agreement adopted by the
 9 reorganizing political subdivisions, claims for expenditures for the
 10 reorganization committee shall be made to the fiscal officer for the
 11 reorganizing political subdivision with the largest population. The
 12 fiscal officer shall pay the necessary expenditures and obtain
 13 reimbursement from the reorganizing political subdivisions:

14 (1) in accordance with an agreement adopted by the reorganizing
 15 political subdivisions; or

16 (2) in the absence of an agreement, in proportion to the population
 17 of each reorganizing political subdivision.

18 SECTION 195. IC 36-1.5-4-18, AS ADDED BY P.L.186-2006,
 19 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2009]: Sec. 18. (a) A reorganization committee shall prepare
 21 a comprehensive plan of reorganization for the reorganizing political
 22 subdivisions. The plan of reorganization governs the actions, duties,
 23 and powers of the reorganized political subdivision that are not
 24 specified by law.

25 (b) The plan of reorganization must include at least the following:

26 (1) The name and a description of the reorganized political
 27 subdivision that will succeed the reorganizing political
 28 subdivisions.

29 (2) A description of the boundaries of the reorganized political
 30 subdivision.

31 (3) Subject to section 40 of this chapter, a description of the
 32 taxing areas in which taxes to retire obligations of the
 33 reorganizing political subdivisions will be imposed.

34 (4) A description of the membership of the legislative body, fiscal
 35 body, and executive of the reorganized political subdivision, a
 36 description of the election districts or appointment districts from
 37 which officers will be elected or appointed, and the manner in
 38 which the membership of each elected or appointed office will be
 39 elected or appointed.

40 (5) A description of the services to be offered by the reorganized
 41 political subdivision and the service areas in which the services
 42 will be offered.

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(6) The disposition of the personnel, the agreements, the assets, and, subject to section 40 of this chapter, the liabilities of the reorganizing political subdivisions, including the terms and conditions upon which the transfer of property and personnel will be achieved.

(7) Any other matter that the:

(A) reorganization committee determines to be necessary or appropriate; or

(B) legislative bodies of the reorganizing political subdivisions require the reorganization committee;

to include in the plan of reorganization.

(8) In the case of a reorganization described in section 1(a)(9) of this chapter **that is initiated by a legislative body under section 10 of this chapter**, if the legislative bodies of the reorganizing political subdivisions have specified that the vote on the public question regarding the reorganization shall be conducted on a countywide basis under section 30(b) of this chapter with a rejection threshold, the reorganization committee shall include in the reorganization plan a rejection threshold, specified as a percentage, that applies for purposes of section 32(b) of this chapter. The rejection threshold must be the same for each municipality that is a party to the proposed reorganization and to the county that is a party to the proposed reorganization. **In the case of a reorganization described in section 1(a)(9) of this chapter that is initiated by the voters of a political subdivision under section 11 of this chapter, the reorganization committee shall determine whether the reorganization shall be conducted on a countywide basis under section 30(b) of this chapter with a rejection threshold and, if so, the reorganization committee shall also include in the reorganization plan a rejection threshold, specified as a percentage, that applies for purposes of section 32(b) of this chapter. The rejection threshold must be the same for each municipality that is a party to the proposed reorganization and to the county that is a party to the proposed reorganization.**

(9) In the case of a reorganization described in section 1(a)(9) of this chapter, the reorganization committee shall determine and include in the reorganization plan the percentage of voters voting on the public question regarding the proposed reorganization who must vote, on a countywide basis, in favor of the proposed reorganization for the public question to be approved. This percentage is referred to in this chapter as the "countywide vote

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approval percentage". The countywide vote approval percentage must be greater than fifty percent (50%).

(c) In the case of a reorganization described in section 1(a)(9) of this chapter **that is initiated by a legislative body under section 10 of this chapter**, the reorganization committee may not change the decision of the legislative bodies of the reorganizing political subdivisions regarding whether the vote on the public question regarding the reorganization shall be conducted on a countywide basis without a rejection threshold or with a rejection threshold.

(d) **This subsection applies only to a reorganization initiated by a legislative body under section 10 of this chapter.** Upon completion of the plan of reorganization, the reorganization committee shall present the plan of reorganization to the legislative body of each of the reorganizing political subdivisions for adoption. The initial plan of reorganization must be submitted to the legislative body of each of the reorganizing political subdivisions not later than one (1) year after the clerk of the last political subdivision that adopts a reorganization resolution under this chapter has certified the resolution to all of the political subdivisions named in the resolution.

(e) **In the case of a reorganization initiated by the voters of a political subdivision under section 11 of this chapter, the reorganization committee shall hold at least one (1) public hearing on the plan of reorganization in each political subdivision named in the petition.**

SECTION 196. IC 36-1.5-4-19, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 19. (a) **This section applies only to a reorganization initiated by a legislative body under section 10 of this chapter.**

(b) The legislative body of each of the reorganizing political subdivisions shall provide for the following:

- (1) Consideration of a plan of reorganization presented by a reorganization committee in the form of a resolution incorporating the plan of reorganization in full or by reference.
- (2) Reading of the resolution incorporating the plan of reorganization in at least two (2) separate meetings of the legislative body of the political subdivision.
- (3) Conducting a public hearing on the plan of reorganization:
 - (A) not sooner than five (5) days after notice of the public hearing is published under IC 5-3-1; and
 - (B) before the legislative body takes final action on the resolution to adopt the plan of reorganization.

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1 SECTION 197. IC 36-1.5-4-20, AS ADDED BY P.L.186-2006,
 2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2009]: Sec. 20. **(a) This section applies only to a**
 4 **reorganization initiated by a legislative body under section 10 of**
 5 **this chapter.**

6 **(b)** At a public hearing on a plan of reorganization conducted under
 7 section 19 of this chapter, or in a public meeting held not more than
 8 thirty (30) days after the public hearing concludes, a legislative body
 9 of a reorganizing political subdivision shall do one (1) of the following:

10 (1) Adopt the plan of reorganization as presented to the legislative
 11 body.

12 (2) Adopt the plan of reorganization with modifications.

13 (3) Reject the plan of reorganization and order a reorganization
 14 committee to submit a new plan of reorganization within thirty
 15 (30) days after the legislative body rejects the plan of
 16 reorganization.

17 SECTION 198. IC 36-1.5-4-21, AS ADDED BY P.L.186-2006,
 18 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2009]: Sec. 21. **(a) This section applies only to a**
 20 **reorganization initiated by a legislative body under section 10 of**
 21 **this chapter.**

22 **(b)** Any modifications in a plan of reorganization that are adopted
 23 by a legislative body of a reorganizing political subdivision must be
 24 adopted by the legislative body of each of the reorganizing political
 25 subdivisions before the modifications are effective.

26 SECTION 199. IC 36-1.5-4-22, AS ADDED BY P.L.186-2006,
 27 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2009]: Sec. 22. **(a) This section applies only to a**
 29 **reorganization initiated by a legislative body under section 10 of**
 30 **this chapter.**

31 **(b)** The legislative body of each reorganizing political subdivision
 32 shall take any of the actions described in section 20 of this chapter on
 33 a revised plan of reorganization submitted by a reorganization
 34 committee and each resolution modifying a plan of reorganization or
 35 revised plan of reorganization in the same manner as the legislative
 36 body may take action on the initially submitted plan of reorganization.

37 SECTION 200. IC 36-1.5-4-23, AS ADDED BY P.L.186-2006,
 38 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2009]: Sec. 23. **(a) This section applies only to a**
 40 **reorganization initiated by a legislative body under section 10 of**
 41 **this chapter.**

42 **(b)** The legislative body of a reorganizing political subdivision shall

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certify the legislative body's final action on a plan of reorganization or revised plan of reorganization, as modified by the legislative body, in the manner prescribed by the department of local government finance, to the following:

- (1) The chair of the reorganization committee.
- (2) The clerk of each reorganizing political subdivision.
- (3) The county fiscal officer of each county in which a reorganizing political subdivision is located.
- (4) The county recorder of each county in which a reorganizing political subdivision is located.

SECTION 201. IC 36-1.5-4-23.5, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 23.5. **(a) This section applies only to a reorganization initiated by a legislative body under section 10 of this chapter.**

(b) The following apply if the legislative bodies of all political subdivisions that have been presented with a plan of reorganization under section 18(d) of this chapter have not adopted a plan of reorganization, either as presented by the reorganization committee or as modified by all of the political subdivisions, within one (1) year after the initial plan of reorganization is presented:

- (1) Not later than one (1) month after the end of the one (1) year period in which the legislative bodies must adopt a plan of reorganization, the reorganization committee shall submit a final plan of reorganization to the legislative bodies of the political subdivisions.
- (2) Not later than one (1) month after receiving the final plan of reorganization under subdivision (1), each of the legislative bodies must:
 - (A) hold a hearing on the final plan of reorganization; and
 - (B) adopt either a resolution approving the final plan of reorganization or a resolution rejecting the final plan of reorganization.

If a legislative body does not adopt a resolution under this subdivision within the one (1) month period, the failure to adopt a resolution is considered to be an approval of the final plan of reorganization.

(3) If a legislative body adopts a resolution approving the final plan of reorganization, the legislative body shall certify its approval under section 23 of this chapter.

(4) If any of the legislative bodies adopts a resolution rejecting the final plan of reorganization, the registered voters of a political

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subdivision in which the final plan of reorganization was rejected by a legislative body under subdivision (2) may submit a petition to the clerk of the circuit court approving the final plan of reorganization and requesting that a public question be held on the final plan of reorganization. The petition must be submitted not later than one hundred eighty (180) days after the legislative body voted to reject the final plan of reorganization. If the petition is signed by at least ten percent (10%) of the voters of the political subdivision, as determined by the vote cast in the political subdivision for secretary of state at the most recent general election:

(A) the political subdivision is considered to have approved the holding of the public question on the final plan of reorganization, notwithstanding the vote by the legislative body rejecting the final plan of reorganization; and

(B) the clerk of the circuit court shall certify approval of the final plan of the reorganization and the holding of the public question in the manner specified in section 23 of this chapter.

SECTION 202. IC 36-1.5-4-24, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 24. The legislative body of the reorganizing political subdivision with the largest population **(in the case of a reorganization initiated by a legislative body under section 10 of this chapter) or the reorganization committee (in the case of a reorganization initiated by the voters of a political subdivision under section 11 of this chapter)** shall provide for a certified copy of the plan of reorganization to be filed with each of the following at the same time certifications are made under section 23 of this chapter **(in the case of a reorganization initiated by a legislative body under section 10 of this chapter) or not later than fifteen (15) days after the reorganization plan is approved (in the case of a reorganization initiated by the voters of a political subdivision under section 11 of this chapter):**

(1) The county recorder of each county in which a reorganizing political subdivision is located.

(2) The department of local government finance.

(3) If any of the reorganizing political subdivisions is a school corporation, the department of education.

(4) If the plan of reorganization changes any election district or abolishes an elected office, the clerk of the circuit court in each county affected by the election district or elected office.

SECTION 203. IC 36-1.5-4-25, AS ADDED BY P.L.186-2006,

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SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 25. Each county recorder receiving a certification under section 23 of this chapter, ~~either~~ from:

(1) the legislative body of a political subdivision or from a clerk of the circuit court after a petition process under section 23.5 of this chapter in a political subdivision **(in the case of a reorganization initiated by a legislative body under section 10 of this chapter); or**

(2) a reorganization committee (in the case of a reorganization initiated by the voters of a political subdivision under section 11 of this chapter);

shall record the certification and the plan of reorganization in the records of the county recorder without charge.

SECTION 204. IC 36-1.5-4-26, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 26. When a county recorder has received certifications under this chapter from:

(1) all of the reorganizing political subdivisions, either from the legislative body of a political subdivision or from a clerk of the circuit court after a petition process under section 23.5 of this chapter in a political subdivision **(in the case of a reorganization initiated by a legislative body under section 10 of this chapter); or**

(2) a reorganization committee (in the case of a reorganization initiated by the voters of a political subdivision under section 11 of this chapter);

the county recorder shall notify the county election board of each county in which a reorganizing political subdivision is located that a public question on a plan of reorganization is eligible to be placed on the ballot for consideration of the voters of each of the reorganizing political subdivisions or (in the case of a reorganization described in section 1(a)(9) of this chapter) for consideration by the voters of the entire county.

SECTION 205. IC 36-2-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) If the resident voters in a specified territory in two (2) or more contiguous counties desire to change the boundaries of their respective counties, they may file a petition with the executives of their respective counties requesting that the territory be transferred. The petition must:

(1) be signed by at least the number of voters resident in the territory requested to be transferred required to place a candidate on the ballot under IC 3-8-6-3;

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(2) contain a clear, distinct description of the requested boundary change; and

(3) not propose to decrease the area of any county below four hundred (400) square miles in compliance with Article 15, Section 7 of the Constitution of the State of Indiana.

(b) Whenever a petition under subsection (a) is filed with a county executive, the executive shall determine, at its first meeting after the petition is filed:

(1) whether the signatures on the petition are genuine; and

(2) whether the petition complies with subsection (a).

(c) If the determinations under subsection (b) are affirmative, the executive shall certify the question to the county election board of each affected county. The county election boards shall jointly order a special election to be held, scheduling the election so that the election is held on the same date in each county interested in the change, but not later than thirty (30) days and not on the same date as a general election. The election shall be conducted under IC 3-10-8-6. All voters of each interested county are entitled to vote on the question. The question shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state "Shall the boundaries of _____ County and _____ County change?".

(d) After an election under subsection (c), the clerk of each county shall make a certified copy of the election returns and not later than five (5) days after the election file the copy with the auditor of the county. The auditor shall, not later than five (5) days after the filing of the returns in the auditor's office, make a true and complete copy of the returns, certified under the auditor's hand and seal, and deposit the copy with the auditor of every other county interested in the change.

(e) After copies have been filed under subsection (d), the auditor of each county shall call a meeting of the executive of the county, which shall examine the returns. If a majority of the voters of each interested county voted in favor of change, the executive shall:

(1) enter an order declaring their boundaries to be changed as described in the petition; and

(2) if the county has received territory from the transfer, adopt revised descriptions of:

(A) county commissioner districts under IC 36-2-2-4 (**before the districts are abolished**); and

(B) county council districts under IC 36-2-3-4;

so that the transferred territory is assigned to at least one (1) county commissioner district (**before the districts are abolished**) and at least one (1) county council district.

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(f) The executive of each county shall file a copy of the order described in subsection (e)(1) with:

- (1) the office of the secretary of state; and
- (2) the circuit court clerk of the county.

Except as provided in subsection (g), the transfer of territory becomes effective when the last county order is filed under this subsection.

(g) An order declaring county boundaries to be changed may not take effect during the year preceding a year in which a federal decennial census is conducted. An order that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 2 of the year in which a federal decennial census is conducted.

(h) An election under this section may be held only once every three (3) years.

SECTION 206. IC 36-2-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) This chapter applies to all counties not having a consolidated city.

(b) This chapter expires at the end of December 31, 2012.

SECTION 207. IC 36-2-2.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 2.5. County Chief Executive Officer

Sec. 1. Except as specifically provided, this chapter applies after December 31, 2012, to each county that does not have a consolidated city.

Sec. 2. As used in this chapter, "chief executive officer" means the county chief executive officer elected under IC 3-10-2-13 in 2012 and every four (4) years thereafter.

Sec. 3. (a) In a county subject to this chapter:

(1) the voters of the county:

(A) shall elect one (1) chief executive officer in 2012 and every four (4) years thereafter; and

(B) shall not elect a board of county commissioners; under IC 3-10-2-13;

(2) the board of county commissioners for the county is abolished at the end of December 31, 2012;

(3) notwithstanding IC 36-2-2-3, the term of each county commissioner elected in 2010 is two (2) years rather than four (4) years; and

(4) notwithstanding IC 36-2-2-3, the term of each county commissioner serving on December 31, 2012, expires at the end of that day.

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(b) The term of office of the initial chief executive officer:

(1) is four (4) years; and

(2) begins January 1, 2013.

(c) The term of office of a chief executive officer is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.

(d) To be eligible for election as the chief executive officer, an individual must meet the qualifications prescribed by IC 3-8-1-21. If an individual does not remain a resident of the county after taking office as the chief executive officer, the individual forfeits the office. The county legislative body shall declare the office vacant whenever the chief executive officer forfeits office under this subsection.

(e) On January 1, 2013, all of the property, assets, funds, equipment, records, rights, contracts, obligations, and liabilities of the board of county commissioners of a county are transferred to or assumed by the chief executive officer.

(f) The abolishment of the board of county commissioners of a county at the end of December 31, 2012, does not invalidate:

(1) any ordinances, resolutions, fees, schedules, or other actions adopted or taken by the board of county commissioners before January 1, 2013; or

(2) any appointments made by the board of county commissioners before January 1, 2013.

Sec. 4. (a) All powers and duties of the county that are executive or administrative in nature shall be exercised or performed by the chief executive officer, except to the extent that these powers and duties are expressly assigned by law to another elected or appointed officer. The chief executive officer shall transact the business of the county in the name of "The Chief Executive Officer of the County of _____".

(b) After December 31, 2012, any reference:

(1) in the Indiana Code;

(2) in the Indiana Administrative Code; or

(3) in an ordinance or resolution;

to the board of commissioners pertaining to the executive powers of a county shall be considered a reference to the chief executive officer of the county. After December 31, 2012, any reference in the Indiana Code related to the executive powers and duties of the board of county commissioners shall, for purposes of a county subject to this chapter, be considered a reference to the powers and duties of the chief executive officer of the county.

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1 (c) The county council has the legislative powers and duties of
 2 the county as provided in IC 36-2-3.7. If a statute authorizes the
 3 county board of commissioners or the county executive to impose
 4 or levy a tax, the county council (instead of the county executive)
 5 shall exercise that power.

6 Sec. 5. The chief executive officer shall do the following:

7 (1) Report on the condition of the county before March 1 of
 8 each year to the county legislative body and to the residents of
 9 the county.

10 (2) Recommend before March 1 of each year to the county
 11 legislative body any action or program the chief executive
 12 officer considers necessary for the improvement of the county
 13 and the welfare of county residents.

14 (3) Submit to the county legislative body an annual budget in
 15 accordance with IC 36-2-5.

16 (4) Establish the procedures to be followed by all county
 17 departments, offices, and agencies under the chief executive
 18 officer's jurisdiction to the extent these procedures are not
 19 expressly assigned by law to another elected or appointed
 20 officer.

21 (5) Administer all statutes, ordinances, and regulations
 22 applicable to the county, to the extent the administration of
 23 these matters is not expressly assigned by law to another
 24 elected or appointed officer.

25 (6) Supervise the care and custody of all county property.

26 (7) Supervise the collection of revenues and control all
 27 disbursements and expenditures, and prepare a complete
 28 account of all expenditures, to the extent these matters are not
 29 expressly assigned by law to another elected or appointed
 30 officer.

31 (8) Review, analyze, and forecast trends for county services
 32 and finances and programs of all county governmental
 33 entities, and report and recommend on these to the county
 34 legislative body by March 15 of each year.

35 (9) Negotiate contracts for the county.

36 (10) Make recommendations concerning the nature and
 37 location of county improvements, and provide for the
 38 execution of those improvements.

39 (11) Supervise county administrative offices, except for the
 40 offices of elected officers.

41 (12) Do the following in January of each year:

42 (A) Make a settlement with the county treasurer for the

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preceding calendar year and include a copy of the settlement sheet in the order book of the chief executive officer.

(B) Make an accurate statement of the county's receipts and expenditures during the preceding calendar year. The statement must include the name of and total compensation paid to each county officer, deputy, and employee. The chief executive officer shall post this statement at the courthouse door and two (2) other places in the county and shall publish it in the manner prescribed by IC 5-3-1.

(13) Perform other duties and functions that are assigned to the chief executive officer by statute or ordinance.

Sec. 6. The chief executive officer may do any of the following:

(1) Order any department, office, or agency under the chief executive officer's jurisdiction to undertake any task for another department, office, or agency under the chief executive officer's jurisdiction on a temporary basis, if necessary for the proper and efficient administration of county government.

(2) Establish and administer centralized budgeting, centralized personnel selection, and centralized purchasing.

(3) Audit the accounts of officers who deal with money belonging to or appropriated for the benefit of the county.

(4) Approve accounts chargeable against the county and direct the raising of money necessary for county expenses.

(5) Make orders concerning county property, including orders for:

(A) the sale of the county's public buildings and the acquisition of land in the county seat on which to build new public buildings; and

(B) the acquisition of land for a public square and the maintenance of that square.

However, a conveyance or purchase by a county of land having a value of at least one thousand dollars (\$1,000) must be authorized by an ordinance of the county legislative body fixing the terms and conditions of the transaction.

Sec. 7. (a) The chief executive officer shall establish and maintain a county courthouse, county jail, and public offices for the county clerk, the county auditor, the county recorder, the county treasurer, the county sheriff, the county surveyor, and the county superintendent of schools (if any).

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1 (b) Offices for the surveyor and superintendent of schools must
2 be in the courthouse or at the county seat.

3 (c) Offices for the sheriff may be located:

4 (1) in the courthouse;

5 (2) inside the corporate limits of the county seat; or

6 (3) outside the corporate limits of the county seat but within
7 the limits of the county.

8 Sec. 8. (a) The chief executive officer may grant licenses,
9 permits, or franchises for the use of county property if the licenses,
10 permits, or franchises:

11 (1) are not exclusive;

12 (2) are of a definite duration; and

13 (3) are assignable only with the consent of the chief executive
14 officer.

15 (b) If a public utility or municipally owned or operated utility
16 that carries on business outside the corporate boundaries of
17 municipalities in the county is engaged in an activity substantially
18 similar to that for which a license, permit, or franchise for the use
19 of county property is sought, the chief executive officer may grant
20 the license, permit, or franchise only with the consent of the
21 Indiana utility regulatory commission. The Indiana utility
22 regulatory commission may give its consent only if it determines,
23 after a public hearing of all interested parties, that public necessity
24 and convenience require the substantially similar activity.

25 (c) The provisions of this section that concern securing the
26 consent of the Indiana utility regulatory commission do not apply
27 to municipally owned or operated utilities.

28 Sec. 9. Notwithstanding IC 36-2-2-1(b), the chief executive
29 officer shall approve or veto ordinances passed by the county
30 legislative body in the manner prescribed by IC 36-2-4-8.

31 Sec. 10. Notwithstanding any other law, if a statute requires a
32 county executive to take an executive action by ordinance or
33 resolution, a chief executive officer shall instead take the action by
34 issuing an executive order.

35 Sec. 11. (a) If the chief executive officer is disqualified from
36 acting in a quasi-judicial proceeding, the chief executive officer
37 shall cease to act in that proceeding. Not later than ten (10) days
38 after the finding that the chief executive officer is disqualified to
39 act in a proceeding, the county auditor shall send a certified copy
40 of the record of the proceeding to the judge of the circuit court for
41 the county. If the judge affirms the disqualification of the chief
42 executive officer, the judge shall appoint a disinterested and

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competent person to serve as a special executive in the proceeding.

(b) A person who consents to serve as a special executive must have the same qualifications as an elected chief executive officer. The person's appointment and oath shall be filed with the county auditor and entered on the records of the chief executive officer. A person appointed as special executive may conduct the proceeding until a final determination is reached.

Sec. 12. The chief executive officer shall keep the chief executive officer's office open on each business day.

Sec. 13. Appointments made by the chief executive officer shall be certified by the county auditor, under the seal of the chief executive officer.

Sec. 14. (a) The chief executive officer may employ a person:

(1) to perform a duty required of a county officer by statute; or

(2) on a commission or percentage basis;

only if the employment is expressly authorized by statute or is found by the chief executive officer to be necessary to the public interest.

(b) If a person's employment under subsection (a) is not expressly authorized by statute, the contract for the person's employment must be filed with the circuit court for the county, and the person must file the person's claims for compensation with that court. Any taxpayer may contest a claim under this section.

(c) A chief executive officer who recklessly violates this section commits a Class C misdemeanor and forfeits the person's office.

Sec. 15. The chief executive officer shall appear before the legislative body of the county at least once each month and at other times as needed to conduct all necessary county business.

Sec. 16. (a) A party to a proceeding before the chief executive officer who is aggrieved by a decision of the chief executive officer may appeal that decision to the circuit court for the county.

(b) A person who is not a party to a proceeding before the chief executive officer may appeal a decision of the chief executive officer only if the person files with the county auditor an affidavit:

(1) specifically setting forth the person's interest in the matter decided; and

(2) alleging that the person is aggrieved by the decision of the chief executive officer.

(c) An appeal under this section must be taken not later than thirty (30) days after the chief executive officer makes the decision by which the appellant is aggrieved.

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(d) An appellant under this section must file with the county auditor a bond conditioned on due prosecution of the appeal. The bond is subject to approval by the county auditor and must be in an amount sufficient to provide security for court costs.

(e) Not later than twenty (20) days after the county auditor receives the appeal bond, the county auditor shall prepare a complete transcript of the proceedings of the chief executive officer related to the decision appealed from and shall deliver the transcript, all documents filed during the proceedings, and the appeal bond to the clerk of the circuit court.

Sec. 17. (a) An appeal under section 16 of this chapter shall be docketed among the other causes pending in the circuit court and shall be tried as an original cause.

(b) A court may decide an appeal under section 16 of this chapter by:

- (1) affirming the decision of the chief executive officer; or
- (2) remanding the cause to the chief executive officer with directions as to how to proceed;

and may require the chief executive officer to comply with this decision.

Sec. 18. (a) The county auditor or the chief executive officer may administer any oaths required by this chapter.

(b) The chief executive officer may:

- (1) punish contempt by a fine of not more than one hundred dollars (\$100) or by imprisonment for not more than twenty-four (24) hours; and
- (2) enforce the chief executive officer's orders by attachment or other compulsory process.

(c) Fines assessed by the executive shall be executed, collected, and paid over in the same manner as other fines.

(d) The county sheriff or a county police officer shall attend the meetings of the chief executive officer, if requested by the chief executive officer, and shall execute the chief executive officer's orders.

Sec. 19. (a) Appointments made by the chief executive officer shall be certified by the county auditor, under the seal of the chief executive officer.

(b) If a copy of the chief executive officer's proceedings has been signed and sealed by the county auditor and introduced into evidence in court, that copy is presumed to be an accurate record of the chief executive officer's proceedings.

Sec. 20. If publication of a notice, report, or statement of any

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kind is required and a county is liable for the cost of that publication, the chief executive officer may not make or pay for publication in more than one (1) newspaper unless publication in two (2) newspapers is required. A person who violates this section commits a Class C infraction.

Sec. 21. (a) The chief executive officer may employ and fix the compensation of an attorney to represent and advise the executive.

(b) For purposes of Article 2, Section 9 of the Constitution of the State of Indiana, employment by a chief executive officer as an attorney does not constitute a lucrative office.

SECTION 208. IC 36-2-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) The seven (7) member county council elected under this chapter is the county fiscal body and (after December 31, 2012) the county legislative body as provided in IC 36-2-3.7. The fiscal body shall act in the name of "The _____ County Council".

(b) Notwithstanding subsection (a), in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000), the county council has nine (9) members.

SECTION 209. IC 36-2-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The ~~fiscal body~~ **county council** shall be elected under IC 3-10-2-13. Except in a county having only single member districts, members elected from districts and at-large members, respectively, are to be elected in alternate, succeeding general elections under section 4 of this chapter. In a county having only single member districts, the terms of the members are staggered as was provided by law before September 1, 1980.

(b) The term of office of a member of the ~~fiscal body~~ **county council** is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.

SECTION 210. IC 36-2-3-4, AS AMENDED BY P.L.230-2005, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) This subsection does not apply to a county having a population of:

(1) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(2) more than two hundred thousand (200,000) but less than three hundred thousand (300,000).

The county executive (before January 1, 2013) or the county council (after December 31, 2012) shall, by ordinance, divide the county into four (4) contiguous, single-member districts that comply with subsection (d). If necessary, the county auditor shall call a special

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meeting of the executive **(before January 1, 2013) or the county council (after December 31, 2012)** to establish or revise districts. One (1) member of the fiscal body shall be elected by the voters of each of the four (4) districts. Three (3) at-large members of the fiscal body shall be elected by the voters of the whole county.

(b) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). The county redistricting commission established under IC 36-2-2-4 **(before January 1, 2013) or by subsection (g) (after December 31, 2012)** shall divide the county into seven (7) single-member districts that comply with subsection (d). One (1) member of the fiscal body shall be elected by the voters of each of these seven (7) single-member districts.

(c) This subsection applies to a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000). The fiscal body shall divide the county into nine (9) single-member districts that comply with subsection (d). Three (3) of these districts must be contained within each of the three (3) districts established under IC 36-2-2-4(c) **(before its expiration)**. One (1) member of the fiscal body shall be elected by the voters of each of these nine (9) single-member districts.

(d) Single-member districts established under subsection (a), (b), or (c) must:

- (1) be compact, subject only to natural boundary lines (such as railroads, major highways, rivers, creeks, parks, and major industrial complexes);
- (2) not cross precinct boundary lines;
- (3) contain, as nearly as possible, equal population; and
- (4) include whole townships, except when a division is clearly necessary to accomplish redistricting under this section.

(e) A division under subsection (a), (b), or (c) shall be made:

- (1) during the first year after a year in which a federal decennial census is conducted; and
- (2) when the county executive adopts an order declaring a county boundary to be changed under IC 36-2-1-2.

(f) A division under subsection (a), (b), or (c) may be made in any odd-numbered year not described in subsection (e).

(g) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) after December 31, 2012. A county redistricting commission established under IC 36-2-2-4(b) (before its expiration on December 31, 2012) continues in existence after

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December 31, 2012, and is governed by this subsection. A county redistricting commission shall divide the county into three (3) single-member districts that comply with subsection (d). The commission is composed of:

- (1) the members of the Indiana election commission;
- (2) two (2) members of the senate selected by the president pro tempore of the senate, one (1) from each political party; and
- (3) two (2) members of the house of representatives selected by the speaker of the house of representatives, one (1) from each political party.

The legislative members of the commission may not vote and may act only in an advisory capacity. A majority vote of the voting members is required for the commission to take action. The commission may meet as frequently as necessary to perform its duty under this subsection. The commission's members serve without additional compensation above that provided for the members as members of the Indiana election commission, the senate, or the house of representatives.

(h) This subsection applies to the following after December 31, 2012:

- (1) A county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).
- (2) A county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000).

A court may, as provided under IC 36-2-3.5-6 (before its expiration on December 31, 2012), issue an order, before final hearing, to stay an election if there is sufficient evidence to withstand a motion for summary judgment that the county has not been divided into districts that comply with this section. A preliminary hearing on the question may be held upon the court's own motion. Final judgment on the merits in such a case shall be made not later than thirty (30) days after the stay of election order. If the redistricting is found not to be in compliance with law, the court shall retain jurisdiction and shall order the proper officials to submit not later than thirty (30) days a redistricting plan complying with law. If the proper officials fail to comply with the order, the court shall order the Indiana election commission to divide the county into districts in compliance with law.

SECTION 211. IC 36-2-3-4.7 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4.7. (a) Whenever the
 2 county executive or the county ~~fiscal body~~ **council** divides the county
 3 into districts under section 4 of this chapter, the county executive or the
 4 county ~~fiscal body~~ **council** shall adopt an ordinance.

5 (b) The county executive or the county ~~fiscal body~~ **council** shall file
 6 a copy of an ordinance adopted under subsection (a) with the circuit
 7 court clerk.

8 SECTION 212. IC 36-2-3-5 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) To be eligible to
 10 serve as a member of the ~~fiscal body~~, **county council**, a person must
 11 meet the qualifications prescribed by IC 3-8-1-22.

12 (b) A member of the ~~fiscal body~~ **county council** must reside within:

13 (1) the county as provided in Article 6, Section 6 of the
 14 Constitution of the State of Indiana; and

15 (2) the district from which the member was elected, if applicable.

16 (c) A member who fails to comply with subsection (b) forfeits the
 17 office.

18 SECTION 213. IC 36-2-3-6 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) At its regular
 20 meeting required by section 7(b)(1) of this chapter, the ~~fiscal body~~
 21 **county council** shall elect a president and president pro tempore from
 22 its members.

23 (b) The county auditor is the clerk of the ~~fiscal body~~ **county council**
 24 and shall:

25 (1) preserve the ~~fiscal body's~~ **county council's** records in ~~his the~~
 26 **county auditor's** office;

27 (2) keep an accurate record of the ~~fiscal body's~~ **county council's**
 28 proceedings;

29 (3) record the ayes and nays on each vote appropriating money or
 30 fixing the rate of a tax levy; and

31 (4) record the ayes and nays on other votes when requested to do
 32 so by two (2) or more members.

33 (c) The county sheriff or a county police officer shall attend the
 34 meetings of the ~~fiscal body~~, **county council**, if requested by the ~~fiscal~~
 35 ~~body~~, **county council**, and shall execute its orders.

36 (d) The ~~fiscal body~~ **county council** may employ legal and
 37 administrative personnel necessary to assist and advise it in the
 38 performance of its functions and duties.

39 SECTION 214. IC 36-2-3-7 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) The ~~fiscal body~~
 41 **county council** shall hold its meetings in the county seat, in the county
 42 auditor's office, or in another location provided by the county executive

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1 and approved by the ~~fiscal body~~ **county council**.

2 (b) The ~~fiscal body~~ **county council**:

3 (1) shall hold a regular meeting in January after its election, for
4 the purpose of organization and other business;

5 (2) shall hold a regular meeting annually, as prescribed by
6 IC 6-1.1-17, to adopt the county's annual budget and tax rate;

7 (3) may hold a special meeting under subsection (c) or (d); and

8 (4) in the case of a county subject to IC 36-2-3.5 (**before January**
9 **1, 2013**) shall hold meetings at a regularly scheduled time each
10 month that does not conflict with the meetings of the county
11 executive.

12 (c) A special meeting of the ~~fiscal body~~ **county council** may be
13 called:

14 (1) by the county auditor or the president of the ~~fiscal body~~;
15 **county council**; or

16 (2) by a majority of the members of the ~~fiscal body~~ **county**
17 **council**.

18 At least forty-eight (48) hours before the meeting, the auditor,
19 president, or members calling the meeting shall give written notice of
20 the meeting to each member of the ~~fiscal body~~ **county council** and
21 publish, at least one (1) day before the meeting, the notice in
22 accordance with IC 5-3-1-4. This subsection does not apply to a
23 meeting called to deal with an emergency under IC 5-14-1.5-5.

24 (d) If a court orders the county auditor to make an expenditure of
25 county money for a purpose for which an appropriation has not been
26 made, the auditor shall immediately call an emergency meeting of the
27 ~~fiscal body~~ **county council** to discuss the matter. Notwithstanding
28 subsection (c), the meeting must be held within three (3) working days
29 of the receipt of the order by the auditor, and notice of the meeting day,
30 time, and ~~places~~ **place** is sufficient if:

31 (1) given by telephone to the members of the ~~fiscal body~~ **county**
32 **council**; and

33 (2) given according to IC 5-14-1.5.

34 SECTION 215. IC 36-2-3-8 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. A member of the
36 ~~fiscal body~~ **county council** who purchases a bond, order, claim, or
37 demand against the county for less than its face value shall forfeit it to
38 the county and may not enforce it by legal action.

39 SECTION 216. IC 36-2-3-9 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. The ~~fiscal body~~
41 **county council** may:

42 (1) expel any member for violation of an official duty;

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(2) declare the seat of any member vacant if ~~he~~ **the member** is unable or fails to perform the duties of ~~his~~ **the member's** office; and

(3) adopt its own rules to govern proceedings under this section, but a two-thirds (2/3) vote is required to expel a member or vacate ~~his~~ **the member's** seat.

SECTION 217. IC 36-2-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. (a) The ~~fiscal body~~ **county council** may employ and fix the compensation of an attorney to represent and advise the ~~fiscal body~~ **county council**.

(b) For the purposes of Section 9, Article 2 of the Constitution of the State of Indiana, employment by a county ~~fiscal body~~ **council** as an attorney does not constitute a lucrative office.

SECTION 218. IC 36-2-3.5-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 7. This chapter expires December 31, 2012.**

SECTION 219. IC 36-2-3.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 3.7. County Council as the County Legislative Body

Sec. 1. This chapter applies after December 31, 2012, to each county that does not have a consolidated city.

Sec. 2. As used in this chapter, "chief executive officer" means the chief executive officer of a county elected under IC 3-10-2-13 in a county subject to IC 36-2-2.5.

Sec. 3. The executive and legislative powers of a county are divided between separate branches of county government. A power belonging to one (1) branch of county government may not be exercised by the other branch of county government.

Sec. 4. (a) The county council elected under IC 36-2-3 is the county legislative body as well as the county fiscal body.

(b) The chief executive officer is the county executive of the county. The chief executive officer of the county has the executive and administrative powers and duties of the county as provided in IC 36-2-2.5.

Sec. 5. (a) All powers and duties of the county that are legislative in nature shall be exercised or performed by the county council functioning as the county legislative body.

(b) The county council has the same legislative powers and duties that the county board of commissioners in the county had before the county board of commissioners was abolished.

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1 **Sec. 6. The county council may do any of the following:**

2 (1) Establish committees that are necessary to carry out the
3 county council's functions.

4 (2) Employ legal and administrative personnel necessary to
5 carry out the county council's functions.

6 (3) Pass all ordinances, orders, resolutions, and motions for
7 the government of the county, in the manner prescribed by
8 IC 36-2-4.

9 (4) Receive gifts, bequests, and grants from public or private
10 sources.

11 (5) Conduct investigations into the conduct of county business
12 for the purpose of correcting deficiencies and ensuring
13 adherence to law and county ordinances and policies.

14 (6) Establish, by ordinance, new county departments,
15 divisions, or agencies whenever necessary to promote efficient
16 county government.

17 SECTION 220. IC 36-2-4-8 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) An ordinance,
19 order, or resolution is considered adopted when it is signed by the
20 presiding officer. If required, an adopted ordinance, order, or resolution
21 must be promulgated or published according to statute before it takes
22 effect.

23 (b) An ordinance prescribing a penalty or forfeiture for a violation
24 must, before it takes effect, be published once each week for two (2)
25 consecutive weeks, according to IC 5-3-1. However, if such an
26 ordinance is adopted by the legislative body of a county subject to
27 IC 36-2-3.5 **(before January 1, 2013)** or IC 36-2-3.7 **(after**
28 **December 31, 2012)** and there is an urgent necessity requiring its
29 immediate effectiveness, it need not be published if:

30 (1) the county executive proclaims the urgent necessity; and

31 (2) copies of the ordinance are posted in three (3) public places in
32 each of the districts of the county before it takes effect.

33 (c) In addition to the other requirements of this section, an
34 ordinance or resolution passed by the legislative body of a county
35 subject to IC 36-2-3.5 **(before January 1, 2013)** or IC 36-2-3.7 **(after**
36 **December 31, 2012)** is considered adopted only if it is:

37 (1) approved by signature of a majority of the county executive
38 **(before January 1, 2013)** or by signature of the county chief
39 **executive officer (after December 31, 2012);**

40 (2) neither approved nor vetoed by a majority of the executive
41 within ten (10) days after passage by the legislative body; or

42 (3) passed over the veto of the executive by a two-thirds (2/3)

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1 vote of the legislative body, within sixty (60) days after
2 presentation of the ordinance or resolution to the executive.

3 (d) After an ordinance or resolution passed by the legislative body
4 of a county subject to IC 36-2-3.5 **(before January 1, 2013) or**
5 **IC 36-2-3.7 (after December 31, 2012)** has been signed by the
6 presiding officer, the county auditor shall present it to the county
7 executive, and record the time of the presentation. Within ten (10) days
8 after an ordinance or resolution is presented to it, the executive shall:

9 (1) approve the ordinance or resolution, by signature of a majority
10 of the executive, and send the legislative body a message
11 announcing its approval; or

12 (2) veto the ordinance or resolution, by returning it to the
13 legislative body with a message announcing its veto and stating
14 its reasons for the veto.

15 (e) This section does not apply to a zoning ordinance or amendment
16 to a zoning ordinance, or a resolution approving a comprehensive plan,
17 that is adopted under IC 36-7.

18 (f) An ordinance increasing a building permit fee on new
19 development must:

20 (1) be published:

21 (A) one (1) time in accordance with IC 5-3-1; and

22 (B) not later than thirty (30) days after the ordinance is
23 adopted by the legislative body in accordance with IC 5-3-1;
24 and

25 (2) delay the implementation of the fee increase for ninety (90)
26 days after the date the ordinance is published under subdivision
27 (1).

28 SECTION 221. IC 36-2-6-3 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) This section does
30 not apply to claims for salaries fixed in a definite amount by ordinance
31 or statute, per diem of jurors, and salaries of officers of a court.

32 (b) The county auditor shall publish all claims that have been filed
33 for the consideration of the county executive and shall publish all
34 allowances made by courts of the county. Claims filed for the
35 consideration of the executive shall be published at least three (3) days
36 before each session of the executive **(before January 1, 2013), or at**
37 **least three (3) days before approval by the executive (after**
38 **December 31, 2012)**, and court allowances shall be published at least
39 three (3) days before the issuance of warrants in payment of those
40 allowances. In publication of itemized statements filed by assistant
41 highway supervisors for consideration of the executive, the auditor
42 shall publish the name of each party and the total amount due each

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1 party named in the itemized statements. Notice of claims filed for
 2 consideration of the county executive must state their amounts and to
 3 whom they are made. Claims and allowances subject to this section
 4 shall be published as prescribed by IC 5-3-1, except that only one (1)
 5 publication in two (2) newspapers is required.

6 (c) A member of the county executive **(before January 1, 2013) or**
 7 **a county executive (after December 31, 2012)** who considers or
 8 allows a claim, or a county auditor who issues warrants in payment of
 9 allowances made by the county executive or a court of the county,
 10 before compliance with subsection (b), commits a Class C infraction.

11 (d) A county auditor shall publish one (1) time in accordance with
 12 IC 5-3-1 a notice of all allowances made by a circuit or superior court.
 13 The notice must be published within sixty (60) days after the
 14 allowances are made and must state their amount, to whom they are
 15 made, and for what purpose they are made.

16 SECTION 222. IC 36-2-6-20 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 20. (a) Whenever any
 18 county bonds, notes, or warrants are to be issued, the county auditor
 19 must:

- 20 (1) supervise the preparation and engraving or printing of the
- 21 bonds, with the advice of an attorney representing the county; and
- 22 (2) deliver the bonds to the county treasurer, who shall be charged
- 23 with them.

24 (b) Each county bond, note, or warrant must contain a reference to
 25 the ordinance authorizing it, including the date of adoption of that
 26 ordinance.

27 (c) All bonds, notes, or warrants of the county must be executed by
 28 the board of commissioners of the county **(before January 1, 2013) or**
 29 **county executive (after December 31, 2012)** and attested by the
 30 county auditor. Money received for the bonds, notes, or warrants shall
 31 be paid to the county treasurer, who shall then deliver the bonds, notes,
 32 or warrants to the persons entitled to receive them.

33 (d) Tax anticipation warrants are payable at the office of the county
 34 treasurer or at one (1) of the authorized depositories of the county, as
 35 checks or other warrants of the county are payable, upon presentation
 36 on or after their maturity date. All interest on tax anticipation warrants
 37 ceases upon their maturity.

38 SECTION 223. IC 36-2-9-7, AS AMENDED BY P.L.227-2005,
 39 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2009]: Sec. 7. (a) The auditor shall perform the duties of clerk
 41 of the county executive under IC 36-2-2-11 **(before its expiration on**
 42 **December 31, 2012).**

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(b) If the auditor cannot perform the duties of clerk during a meeting of the county executive, and the auditor does not have a deputy or the auditor's deputy cannot attend the meeting, the executive may deputize a person to perform those duties during the meeting.

SECTION 224. IC 36-2-10-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 17. The treasurer shall make an annual settlement with the county executive under IC 36-2-2-18 **(before January 1, 2013) or IC 36-2-2.5-5(d) (after December 31, 2012).**

SECTION 225. IC 36-2-13-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. The sheriff shall attend meetings of the county executive when required under IC 36-2-2-15(d) **(before January 1, 2013) or IC 36-2-2.5-18(d) (after December 31, 2012).**

SECTION 226. IC 36-3-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. (a) The board of commissioners of the county is composed of the county treasurer, the county auditor, and the county assessor. These officers shall serve ex officio as commissioners without additional compensation for performing the duties of the board.

(b) The board of commissioners:

(1) shall make the appointments required by statute to be made by the board of commissioners of a county;

(2) shall perform the duties and exercise the powers prescribed by statutes pertaining to the issuance and payment of bonds of the county and the expenditure of the unexpended proceeds of those bonds; and

(3) may exercise the powers granted it by Article 9, Section 3 of the Constitution of the State of Indiana and by IC 12-30-3.

(c) Notwithstanding any other provision, an act enacted by the general assembly during the first regular session of the one hundred sixteenth general assembly to provide for a single elected county chief executive officer after December 31, 2012, in every county not containing a consolidated city does not (except as specifically provided) affect the rights, powers, and duties of the board of commissioners in a county containing a consolidated city.

SECTION 227. IC 36-5-1-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 20. (a) This section does not apply to a town described by IC 36-5-1-11.5.

(b) A town subject to this chapter may be dissolved if the county election board of the county in which the greatest percentage of population of the town is located conducts a public hearing and finds

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1 that the town has not elected town officers or had a functioning town
2 government during the preceding ten (10) years.

3 (c) The county election board shall certify the board's findings to the
4 county executive, who may adopt an ordinance or (in a county subject
5 to IC 36-2-3.5 **before January 1, 2013, or in a county subject to**
6 **IC 36-2-2.5 after December 31, 2012**) issue an order to dissolve the
7 town.

8 SECTION 228. IC 36-5-1.1-12 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) This section
10 does not apply to a town described by IC 36-5-1-11.5.

11 (b) A town subject to this chapter may be dissolved if the county
12 election board of the county in which the greatest percentage of
13 population of the town is located conducts a public hearing and finds
14 that the town has not elected town officers or had a functioning town
15 government during the preceding ten (10) years.

16 (c) The county election board shall certify the board's findings to the
17 county executive, who may adopt an ordinance or (in a county having
18 a consolidated city, ~~or a county~~ subject to IC 36-2-3.5 **before January**
19 **1, 2013, or in a county subject to IC 36-2-2.5 after December 31,**
20 **2012**) issue an order to dissolve the town.

21 SECTION 229. IC 36-8-15-2 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. As used in this
23 chapter, "board" means the following:

24 (1) In a county having a consolidated city, a board established by
25 and operated as set forth in an ordinance of the city-county
26 legislative body.

27 (2) In a county not having a consolidated city, the board of
28 commissioners **(before January 1, 2013) or county council**
29 **(after December 31, 2012).**

30 SECTION 230. IC 36-9-3-5, AS AMENDED BY P.L.70-2007,
31 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2009]: Sec. 5. (a) An authority is under the control of a board
33 (referred to as "the board" in this chapter) that, except as provided in
34 subsections (b) and (c), consists of:

35 (1) two (2) members appointed by the executive of each county in
36 the authority;

37 (2) one (1) member appointed by the executive of the largest
38 municipality in each county in the authority;

39 (3) one (1) member appointed by the executive of each second
40 class city in a county in the authority; and

41 (4) one (1) member from any other political subdivision that has
42 public transportation responsibilities in a county in the authority.

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(b) An authority that includes a consolidated city is under the control of a board consisting of the following:

(1) Two (2) members appointed by the executive of the county having the consolidated city.

(2) One (1) member appointed by the board of commissioners of the county having the consolidated city.

(3) One (1) member appointed by the executive of each other county in the authority.

(4) Two (2) members appointed by the governor from a list of at least five (5) names provided by the Indianapolis regional transportation council.

(5) One (1) member representing the four (4) largest municipalities in the authority located in a county other than a county containing a consolidated city. The member shall be appointed by the executives of the municipalities acting jointly.

(6) One (1) member representing the excluded cities located in a county containing a consolidated city that are members of the authority. The member shall be appointed by the executives of the excluded cities acting jointly.

(7) One (1) member of a labor organization representing employees of the authority who provide public transportation services within the geographic jurisdiction of the authority. The labor organization shall appoint the member.

(c) An authority that includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) is under the control of a board consisting of the following twenty-one (21) members:

(1) Three (3) members appointed by the executive of a city with a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000).

(2) Two (2) members appointed by the executive of a city with a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000).

(3) One (1) member jointly appointed by the executives of the following municipalities located within a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) A city with a population of more than five thousand one hundred thirty-five (5,135) but less than five thousand two hundred (5,200).

(B) A city with a population of more than thirty-two thousand (32,000) but less than thirty-two thousand eight hundred

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- 1 (32,800).
 2 (4) One (1) member who is jointly appointed by the fiscal body of
 3 the following municipalities located within a county with a
 4 population of more than four hundred thousand (400,000) but less
 5 than seven hundred thousand (700,000):
 6 (A) A town with a population of more than fifteen thousand
 7 (15,000) but less than twenty thousand (20,000).
 8 (B) A town with a population of more than twenty-three
 9 thousand (23,000) but less than twenty-four thousand
 10 (24,000).
 11 (C) A town with a population of more than twenty thousand
 12 (20,000) but less than twenty-three thousand (23,000).
 13 (5) One (1) member who is jointly appointed by the fiscal body of
 14 the following municipalities located within a county with a
 15 population of more than four hundred thousand (400,000) but less
 16 than seven hundred thousand (700,000):
 17 (A) A town with a population of more than eight thousand
 18 (8,000) but less than nine thousand (9,000).
 19 (B) A town with a population of more than twenty-four
 20 thousand (24,000) but less than thirty thousand (30,000).
 21 (C) A town with a population of more than twelve thousand
 22 five hundred (12,500) but less than fifteen thousand (15,000).
 23 (6) One (1) member who is jointly appointed by the following
 24 authorities of municipalities located in a county having a
 25 population of more than four hundred thousand (400,000) but less
 26 than seven hundred thousand (700,000):
 27 (A) The executive of a city with a population of more than
 28 nineteen thousand eight hundred (19,800) but less than
 29 twenty-one thousand (21,000).
 30 (B) The fiscal body of a town with a population of more than
 31 nine thousand (9,000) but less than twelve thousand five
 32 hundred (12,500).
 33 (C) The fiscal body of a town with a population of more than
 34 five thousand (5,000) but less than eight thousand (8,000).
 35 (D) The fiscal body of a town with a population of less than
 36 one thousand five hundred (1,500).
 37 (E) The fiscal body of a town with a population of more than
 38 two thousand two hundred (2,200) but less than five thousand
 39 (5,000).
 40 (7) One (1) member appointed by the fiscal body of a town with
 41 a population of more than thirty thousand (30,000) located within
 42 a county with a population of more than four hundred thousand

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(400,000) but less than seven hundred thousand (700,000).

(8) One (1) member who is jointly appointed by the following authorities of municipalities that are located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) The executive of a city having a population of more than twenty-five thousand (25,000) but less than twenty-seven thousand (27,000).

(B) The executive of a city having a population of more than thirteen thousand nine hundred (13,900) but less than fourteen thousand two hundred (14,200).

(C) The fiscal body of a town having a population of more than one thousand five hundred (1,500) but less than two thousand two hundred (2,200).

(9) Three (3) members appointed by the fiscal body of a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(10) One (1) member appointed by the county executive of a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(11) One (1) member of a labor organization representing employees of the authority who provide public transportation services within the geographic jurisdiction of the authority. The labor organization shall appoint the member. If more than one (1) labor organization represents the employees of the authority, each organization shall submit one (1) name to the governor, and the governor shall appoint the member from the list of names submitted by the organizations.

(12) The executive of a city with a population of more than twenty-seven thousand four hundred (27,400) but less than twenty-eight thousand (28,000), located within a county with a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000), or the executive's designee.

(13) The executive of a city with a population of more than thirty-three thousand (33,000) but less than thirty-six thousand (36,000), located within a county with a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000), or the executive's designee.

(14) One (1) member of the board of commissioners of a county with a population of more than one hundred forty-five thousand

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(145,000) but less than one hundred forty-eight thousand (148,000), appointed by the board of commissioners, or the member's designee **(before January 1, 2013) or the county executive (after December 31, 2012), or the county executive's designee.**

(15) One (1) member appointed jointly by the township executive of the township containing the following towns:

- (A) Chesterton.
- (B) Porter.
- (C) Burns Harbor.
- (D) Dune Acres.

The member appointed under this subdivision must be a resident of a town listed in this subdivision.

(16) One (1) member appointed jointly by the township executives of the following townships located in Porter County:

- (A) Washington Township.
- (B) Morgan Township.
- (C) Pleasant Township.
- (D) Boone Township.
- (E) Union Township.
- (F) Porter Township.
- (G) Jackson Township.
- (H) Liberty Township.
- (I) Pine Township.

The member appointed under this subdivision must be a resident of a township listed in this subdivision.

If a county or city becomes a member of the authority under section 3.5 of this chapter, the executive of the county or city shall appoint one (1) member to serve on the board.

SECTION 231. IC 36-9-13-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. For purposes of this chapter, the following are considered the governing bodies of their respective eligible entities:

- (1) Board of commissioners, for a county not subject to IC 36-2-3.5 **(before January 1, 2013)** or IC 36-3-1.
- (2) County council, for a county subject to IC 36-2-3.5 **(before January 1, 2013) or IC 36-2-3.7 (after December 31, 2012).**
- (3) City-county council, for a consolidated city or county having a consolidated city.
- (4) Common council, for a city other than a consolidated city.
- (5) Town council, for a town.
- (6) Trustee and township board, for a civil or school township.

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(7) Board of school trustees, board of school commissioners, or school board, for a school corporation.

(8) Board of trustees, for a health and hospital corporation.

SECTION 232. IC 36-9-27.4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. As used in this chapter, "drainage board" means the following:

(1) Except as provided in subdivision (2):

(A) the county board of commissioners **(before January 1, 2013) or county executive (after December 31, 2012)**, as provided in IC 36-9-27-5(a)(1); or

(B) the drainage board appointed by the board of commissioners **(before January 1, 2013) or county executive (after December 31, 2012)** under IC 36-9-27-5(a)(2).

(2) In a county having a consolidated city, the board of public works of the consolidated city, as provided in IC 36-9-27-5(b).

SECTION 233. IC 36-12-1-14 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 14. For purposes of this article, after December 31, 2012, the county executive of a county that does not have a consolidated city has the powers, duties, and responsibilities of the board of county commissioners.**

SECTION 234. IC 36-12-2-16, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16. (a) This section applies to the appointment of members to a library board of a public library serving a library district that is:

(1) partly or fully within the boundaries of a consolidated city; and

(2) fully within the boundaries of one (1) county.

(b) Seven (7) members of a library board shall be appointed in the following order as the terms of previously appointed members expire:

(1) One (1) member appointed by the board of county commissioners **(before January 1, 2013) or executive (after December 31, 2012)** of the county in which the library district is located.

(2) One (1) member appointed by the fiscal body of the county in which the library district is located.

(3) One (1) member appointed by the board of county commissioners **(before January 1, 2013) or executive (after December 31, 2012)** of the county in which the library district is located.

(4) Two (2) members appointed by the school board of the school

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corporation in which the principal administrative offices of the public library are located.

(5) One (1) member appointed by the board of county commissioners **(before January 1, 2013) or executive (after December 31, 2012)** of the county in which the library district is located.

(6) One (1) member appointed by the fiscal body of the county in which the library district is located.

SECTION 235. IC 36-12-5-12, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) If not more than two (2) townships or parts of not more than two (2) townships are added to a library taxing district, at least one (1) of the initial appointments made to the library board by the county commissioners **(before January 1, 2013) or county executive (after December 31, 2012)** or the county council must be from one (1) of the townships.

(b) If more than two (2) townships or parts of more than two (2) townships are added to a library district, at least two (2) of the initial appointments made to the library board by the county commissioners **(before January 1, 2013) or county executive (after December 31, 2012)** or the county council must be from the townships that are added to the library district.

(c) An appointment under this section may not be made before the expiration of a term in effect at the time the expansion is final.

SECTION 236. IC 36-12-7-4, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) The library board of any public library established as a 1901 city or town library consists of qualified and experienced individuals at least eighteen (18) years of age who have been residents of the municipality where the library is located for at least two (2) years immediately preceding the appointment of the individual. The members shall be appointed for two (2) year terms as follows:

(1) The board of commissioners **(before January 1, 2013) or executive (after December 31, 2012)** of the county where the library is located shall appoint one (1) member.

(2) The fiscal body of the county where the library is located shall appoint one (1) member.

(3) The municipal executive shall appoint one (1) member.

(4) The municipal legislative body shall appoint one (1) member.

(5) The school board of the school corporation where the library is located shall appoint three (3) members, who may be members

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of the school board.

(b) If a vacancy occurs on the library board for any cause, the appointing authority shall fill the vacancy. The appointing authority may at any time, for cause shown, remove a member of the library board and appoint a new member to fill the vacancy caused by the removal.

(c) The library board members shall serve without compensation.

(d) All appointments to membership on the library board must be evidenced by certificates of appointment signed by the appointing authority. Certificates of appointment shall be:

(1) handed to; or

(2) mailed to the address of;

the appointee. Not later than ten (10) days after receiving the certificates of appointment, an appointee shall take an oath of office, before the clerk of the circuit court, that the appointee will faithfully discharge the appointee's duties as a member of the library board to the best of the appointee's ability. The appointee shall file the certificate, with the oath endorsed on it, with the clerk of the circuit court of the county in which the library is located.

(e) Not later than five (5) days after all the members of the library board have been appointed and have taken the oath of office, the members shall meet and organize by electing one (1) member as president, one (1) member as vice president, and one (1) member as secretary. The members shall also select committees or an executive board to carry on the work of the board if the members determine that committees or an executive board is necessary.

(f) The facilities of a public library established as a 1901 city or town library are open and free for the use and benefit of all of the residents of the library district.

(g) The fiscal officer of the municipality operating a public library under this section shall prepare and file with the municipal legislative body, before January 16 each year, an itemized statement, under oath, of all the receipts and disbursements of the library board for the year ending December 31 immediately preceding the preparing and filing of the report. The report must contain an itemized statement of:

(1) the sources of all receipts;

(2) all disbursements made; and

(3) the purpose for which each was made.

The annual report may be inspected by the citizens of the municipality and township in which the library is located.

SECTION 237. IC 36-12-7-7, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2009]: Sec. 7. (a) The library board of a library established as an 1899 township library consists of the school township trustee in the township where the library is located and two (2) residents of the township who are appointed by the board of commissioners **(before January 1, 2013) or executive (after December 31, 2012)** of the county where the library is located. Appointments are for a term of four (4) years. Members of the library board serve without compensation.

(b) The library board:

(1) shall control the purchase of books and the management of the library;

(2) shall possess and retain custody of any books remaining in the old township library in the township where the library is located;

(3) may receive donations, bequests, and legacies on behalf of the library; and

(4) may receive copies of all documents of the state available for distribution from the director of the state library.

(c) The 1899 township library is the property of the school township. The school township trustee is responsible for the safe preservation of the township library.

(d) Two (2) or more adjacent townships may unite to maintain a township library. The library is controlled by either:

(1) a combined library board, which consists of each of the uniting township boards appointed under subsection (a); or

(2) the one (1) township library board appointed under subsection (a) of the uniting townships that receives funding for the operation of the uniting township library.

(e) The legislative body of any township that contains a library established as an 1899 township library may levy a tax annually of not more than three and thirty-three hundredths cents (\$0.0333) on each one hundred dollars (\$100) of taxable property assessed for taxation in the township. If the legislative body does not levy the tax, a petition signed by at least the number of registered voters required under IC 3-8-6-3 to place a candidate on the ballot may be filed with the circuit court clerk, who:

(1) shall determine if an adequate number of voters have signed the petition; and

(2) if an adequate number of voters have signed the petition, shall certify the public question to the county election board under IC 3-10-9-3. The county election board shall then cause to be printed on the ballot for the township the following question in the form prescribed by IC 3-10-9-4: "Shall a township library tax be levied?".

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1 If a majority of the votes cast on the question in subdivision (2) are in
 2 the affirmative, the township trustee shall annually levy a tax of not less
 3 than one and sixty-seven hundredths cents (\$0.0167) and not more than
 4 three and thirty-three hundredths cents (\$0.0333) on each one hundred
 5 dollars (\$100) of taxable property in the township for the establishment
 6 and support of a township library. The township tax shall be levied,
 7 assessed, collected, and paid according to the procedure outlined in
 8 IC 6-1.1.

9 (f) The tax levy under subsection (e) shall be discontinued when the
 10 question of discontinuing the levy has been submitted to a vote
 11 according to the procedure provided in subsection (e) and the majority
 12 of the votes cast on the question is in the negative.

13 (g) If a public library that is open for the use of all the residents of
 14 the township is located in the township, the proceeds of the tax
 15 collected under subsection (e) shall be paid to that public library.

16 (h) In a township outside a city that contains a library:

17 (1) established by private donations of the value of at least ten
 18 thousand dollars (\$10,000), including the real estate and buildings
 19 used for the library; and

20 (2) used for the benefit of all the inhabitants of the township;
 21 the township trustee of the township shall annually levy and collect not
 22 more than two cents (\$0.02) on each one hundred dollars (\$100) upon
 23 the taxable property within the limits of the township. The money shall
 24 be paid to the trustees of the library, to be applied by the trustees for
 25 the purchase of books and the payment of the maintenance costs for the
 26 library. When it becomes necessary to purchase additional ground for
 27 the extension or protection of library buildings already established by
 28 private donation, the trustee, with the consent of the county legislative
 29 body, may annually levy and collect not more than one and sixty-seven
 30 hundredths cents (\$0.0167) on each one hundred dollars (\$100) of
 31 taxable property of the township for not more than three (3) years
 32 successively, to be expended by the trustees for the purchase of
 33 property and the construction and enlargement of library buildings.

34 (i) The 1899 township library is free to all the residents of the
 35 township.

36 SECTION 238. THE FOLLOWING ARE REPEALED
 37 [EFFECTIVE JULY 1, 2009]: IC 8-17-4.1-5; IC 8-17-4.1-6;
 38 IC 8-17-4.1-7; IC 8-17-4.1-8; IC 33-32-3-6; IC 36-1.5-4-12;
 39 IC 36-2-9-11; IC 36-2-10-16; IC 36-3-5-11.

40 SECTION 239. [EFFECTIVE JULY 1, 2009] **The purpose of this**
 41 **act is to provide for a single elected county chief executive officer**
 42 **after December 31, 2012, in every county not containing a**

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1 consolidated city. Notwithstanding any other provision, this act
 2 does not (except as specifically provided) affect the rights, powers,
 3 and duties of the board of commissioners in a county containing a
 4 consolidated city.

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